

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FOURTH DAY — THURSDAY, MAY 15, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 430).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirsch; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithe; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgenuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Goolsby; Junell.

The invocation was offered by Howard Vickery, pastor, Wetmore Road Baptist Church, San Antonio, as follows:

Our Heavenly Father, I come to you in the name of the Lord Jesus Christ. I thank you that I can come with confidence to your throne.

I thank you that this body of legislators has taken time to beseech your involvement in these proceedings. We need your guidance and wisdom. I pray that this allotment for prayer is not just a formality, but a genuine seeking of your involvement and guidance.

If we are genuinely seeking your involvement, we must be mindful that you are a holy God and one to be respected. Our sins as a nation and as a people are before you. I ask that your mercy which you have shown upon us would continue. Help us to be mindful that, "Righteousness exalteth a nation; but sin is a reproach to any people." (Proverbs 14:34) We must confess that as a people we have wandered far from the principles that are found in your holy word. Forgive us, Lord, of our disrespect for you and your written truth. May we return to your book, your standards of righteousness, and consider what you have said in every decision we make.

Grant, Lord, that each of these legislators would look to you for guidance

in the decisions that they must make this day. Bless the good works and bring naught the works of evil. May each have a dedication to the truth and a spirit of cooperation for the good of the people and your glory.

In the name of your son, Jesus Christ. Amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Goolsby on motion of Jackson.

The following member was granted leave of absence temporarily for today to attend a meeting with Senator Ratliff on **HB 1**:

Junell on motion of R. Lewis.

CAPITOL PHYSICIAN

The speaker recognized Representative Roman who presented Dr. H. David Pope of Bryan as the "Doctor for the Day."

The house welcomed Dr. Pope and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 909 - ADOPTED (by Haggerty)

Representative Haggerty moved to suspend all necessary rules to take up and consider at this time **HR 909**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 909, In memory of Walter Reginald Collins II.

HR 909 was read and was unanimously adopted by a rising vote.

On motion of Representative Jackson, the names of all the members of the house were added to **HR 909** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Gutierrez, who introduced Mayor Leo Montalvo of McAllen.

HR 948 - ADOPTED (by Hodge)

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 948**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 948, Congratulating Lottie Beatrice Sprouse on the occasion of her 100th birthday.

HR 948 was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 948** as signers thereof.

HCR 260 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HCR 260**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 260, Designating August 24-30, 1997, Gun Safe Week.

HCR 260 was adopted without objection.

HR 926 - ADOPTED
(by Swinford)

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 926**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 926, Commemorating the 20th anniversary of Funfest.

HR 926 was adopted without objection.

HR 953 - ADOPTED
(by Serna)

Representative Serna moved to suspend all necessary rules to take up and consider at this time **HR 953**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 953, Honoring Dianna Loper on the occasion of her 50th birthday.

HR 953 was adopted without objection.

(R. Lewis in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Naishtat requested permission for the conference committee on **SB 190** to meet while the house is in session for the remainder of the session.

Permission to meet was granted without objection.

HR 894 - ADOPTED
(by Howard)

Representative Howard moved to suspend all necessary rules to take up and consider at this time **HR 894**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 894, Declaring May 30, 1997, Tom DeLay Day in Texas.

HR 894 was adopted without objection.

On motion of Representative Williams, the names of all the members of the house were added to **HR 894** as signers thereof.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 56, Senate List No. 26).

**HCR 245 - ADOPTED
(by Counts)**

Representative Counts moved to suspend all necessary rules to take up and consider at this time **HCR 245**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 245, Designating Knox City as the Seedless Watermelon Capitol of Texas.

HR 245 was adopted without objection.

**HR 875 - ADOPTED
(by Williams)**

Representative Williams moved to suspend all necessary rules to take up and consider at this time **HR 875**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 875, Congratulating Betty Stender Brouthers on the occasion of her 70th birthday.

HR 875 was adopted without objection.

On motion of Representative Rabuck, the names of all the members of the house were added to **HR 875** as signers thereof.

CSHB 1869 - VOTE RECONSIDERED

Representative Burnam moved to reconsider the vote by which **CSHB 1869**, as amended, failed to pass to engrossment Wednesday, May 14.

The motion to reconsider prevailed.

CSHB 1869 ON SECOND READING
(by Burnam)

The chair laid before the house, on its second reading and passage to engrossment,

CSHB 1869, A bill to be entitled An Act relating to cancellation of certain insurance policies.

CSHB 1869 was read second time Wednesday, May 14, amended, and failed to pass to engrossment.

Amendment No. 2

Representative Burnam offered the following amendment to **CSHB 1869**:

Amend **CSHB 1869** as follows:

(1) On page 1, line 5, strike "by adding Subsection (j)" and substitute "by adding Subsections (j) and (k)".

(2) On page 1, between lines 14 and 15, insert the following:

(k) Subsection (j) of this section does not apply to a traffic violation that occurred on or after the first day the policy was in effect if the insured was convicted of or paid a fine for:

(A) driving while under the influence of alcohol, controlled substance, drugs, or a combination of two or more of these substances;

(B) involuntary manslaughter;

(C) criminally negligent operation of a motor vehicle; or

(D) any other reason permitted under Sec. 4 of this Article.

Amendment No. 2 was adopted without objection.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the house was provided today by Ella Anderson.

(Speaker in the chair)

CSHB 1869 - (consideration continued)

Representative Brimer moved to table **CSHB 1869**.

A record vote was requested.

The motion to table prevailed by (Record 431): 72 Yeas, 70 Nays, 1 Present, not voting.

Yeas — Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culberson; Denny; Driver; Elkins; Finnell; Galloway; Goodman; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Pitts; Rabuck; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; Uher; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

Nays — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Coleman; Cook; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hodge; Jones, J.; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Goolsby; Junell.

Absent — Counts; Delisi; Hochberg; Madden.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HB 1206 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Kuempel called up with senate amendments for consideration at this time,

HB 1206, A bill to be entitled An Act relating to the composition of the Municipal Solid Waste Management and Resource Recovery Advisory Council.

On motion of Representative Kuempel, the house concurred in the senate amendments to **HB 1206**.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 1206** as follows:

(1) In SECTION 1, Subdivision (14), Section 363.041, at page 2, line 14, after "facilities" strike "or an educator with knowledge of the design and management of solid waste facilities"

(2) In SECTION 1, Subdivision (16), Section 363.041, at page 2, line 19, after "facility" insert "or an educator with knowledge of the design and management of solid waste facilities"

HB 1410 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Hill called up with senate amendments for consideration at this time,

HB 1410, A bill to be entitled An Act relating to authorizing economic development corporations to provide affordable housing.

Representative Hill moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1410**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 1410**: Hill, chair, Ehrhardt, Bailey, Seaman, and Yarbrough.

HB 1524 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Siebert called up with senate amendments for consideration at this time,

HB 1524, A bill to be entitled An Act relating to the weight of vehicles transporting recyclable materials.

On motion of Representative Siebert, the house concurred in the senate amendments to **HB 1524** by (Record 432): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McReynolds; Merritt; Moffat; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Goolsby; Junell.

Absent — Coleman; Delisi; Keel; McClendon; Moreno.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 1524** in Section 622.134(b), Transportation Code, on page 2, line 6, by inserting "to a county any damage to a county road" between "highway" and "and".

Senate Amendment No. 2 (Senate Committee Amendment No. 2)

Amend **HB 1524** in Section 622.134(b), Transportation Code, on page 2, line 9, between "municipality" and "." by adding "or a county".

**HB 1880 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Thompson called up with senate amendments for consideration at this time,

HB 1880, A bill to be entitled An Act relating to the authority of the attorney general to negotiate with other nations regarding the enforcement of child support and child custody orders.

Representative Thompson moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1880**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 1880**: Thompson, chair, Luna, Hartnett, Crabb, and Solis.

**HB 2964 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Sadler called up with senate amendments for consideration at this time,

HB 2964, A bill to be entitled An Act relating to the administration of county roads in Panola County.

Representative Sadler moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2964**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 2964**: Sadler, chair, Finnell, Hartnett, Hill, and Uher.

**HB 1602 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Glaze called up with senate amendments for consideration at this time,

HB 1602, A bill to be entitled An Act relating to dry fire hydrants.

On motion of Representative Glaze, the house concurred in the senate amendments to **HB 1602**.

Senate Amendment No. 1

Amend **HB 1602** by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 93, Civil Practice and Remedies Code, is amended to read as follows:

CHAPTER 93. ASSUMPTION OF THE RISK
AND CERTAIN OTHER AFFIRMATIVE DEFENSES

Sec. 93.001. ASSUMPTION OF THE RISK: AFFIRMATIVE DEFENSE.

(a) It is an affirmative defense to a civil action for damages for personal injury or death that the plaintiff, at the time the cause of action arose, was:

(1) committing a felony, for which the plaintiff [plaintiff] has been finally convicted, that was the sole cause of the damages sustained by the plaintiff; or

(2) committing or attempting to commit suicide, and the plaintiff's conduct in committing or attempting to commit suicide was the sole cause of the damages sustained; provided, however, if the suicide or attempted suicide was caused in whole or in part by a failure on the part of any defendant to comply with an applicable legal standard, then such suicide or attempted suicide shall not be a defense.

(b) This section [chapter] does not apply in any action brought by an employee, or the surviving beneficiaries of an employee, under the Workers' Compensation Law of Texas, or in an action against an insurer based on a contract of insurance, a statute, or common law.

(c) In an action to which this section [chapter] applies, this section [chapter] shall prevail over any other law.

Sec. 93.002. DRY FIRE HYDRANTS: AFFIRMATIVE DEFENSE. (a) It is an affirmative defense to a civil action for damages brought against a defendant who is an owner, lessee, or occupant of real property who permits a fire-fighting agency to connect a dry fire hydrant to a source of water on the property or to install a dry fire hydrant on the property that the damages arise from:

(1) the condition or use of the dry fire hydrant;

(2) the installation or maintenance of the dry fire hydrant; or

(3) the failure of the water source to contain an adequate supply of water during a fire.

(b) This section does not apply to:

(1) an action for damages arising from an act or omission of the owner, lessee, or occupant of real property that is intentional, wilfully or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others; or

(2) an action for damages arising from a condition of the real property on which the dry fire hydrant is located.

(c) In this section:

(1) "Dry fire hydrant" means a fire hydrant that is connected to a stock tank, pond, or other similar source of water from which water is pumped in case of fire.

(2) "Fire-fighting agency" means any entity that provides fire-fighting services, including:

(A) a volunteer fire department; and

(B) a political subdivision of this state authorized to provide fire-fighting services.

SECTION 2. Chapter 2, Property Code, is amended by adding Section 2.002 to read as follows:

Sec. 2.002. DRY FIRE HYDRANTS: AGREEMENT IS PERSONAL.

(a) An agreement between an owner, lessee, or occupant of real property and a fire-fighting agency relating to the connection of a dry fire hydrant to a source of water on the property or the installation of a dry fire hydrant on the property may not bind a subsequent owner, lessee, or occupant of the real property.

(b) In this section:

(1) "Dry fire hydrant" means a fire hydrant that is connected to a stock tank, pond, or other similar source of water from which water is pumped in case of fire.

(2) "Fire-fighting agency" means any entity that provides fire-fighting services, including:

(A) a volunteer fire department; and

(B) a political subdivision of this state authorized to provide fire-fighting services.

SECTION 3. Section 93.002, Civil Practice and Remedies Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act and that law is continued in effect for that purpose.

SECTION 4. Section 2.002, Property Code, as added by this Act, applies only to an agreement entered into on or after the effective date of this Act.

SECTION 5. This Act takes effect September 1, 1997.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 663 ON THIRD READING
(Place and Hightower - House Sponsors)**

SB 663, A bill to be entitled An Act relating to the authority of a judge to place a defendant convicted of a state jail felony on community supervision, to the supervision of those defendants, and to the facilities in which those defendants may be confined.

Amendment No. 1

Representative Place offered the following amendment to **SB 663**:

Amend **SB 663** on 3rd Reading, in SECTION 1 of the bill, by striking amended Subsection (g), Section 15, Article 42.12, Code of Criminal Procedure, and substituting the following:

(g) The facility director of a state jail felony facility shall report to a judge who orders a defendant confined in the facility as a condition of community supervision or as sanction imposed as a modification of community supervision

under Subsection (e) not less than every 90 days on the defendant's programmatic progress, conduct, and conformity to the rules of the facility.

Amendment No. 1 was adopted without objection.

SB 663, as amended, was passed.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 770 ON THIRD READING
(Seaman - House Sponsor)**

SB 770, A bill to be entitled An Act relating to the funding of certain peer assistance programs.

SB 770 was passed.

**SB 96 ON THIRD READING
(Madden - House Sponsor)**

SB 96, A bill to be entitled An Act relating to the regulation of political contributions and political expenditures in connection with certain judicial candidates and officeholders; providing a penalty.

SB 96 was passed.

**SB 1661 ON THIRD READING
(Bosse - House Sponsor)**

SB 1661, A bill to be entitled An Act relating to the recovery of certain indirect costs by the Texas Department of Transportation.

A record vote was requested.

SB 1661 was passed by (Record 433): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzhauser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Smith; Smithee; Solis; Solomons; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Goolsby; Junell.

Absent — Longoria; Naishtat; Ramsay; Siebert; Swinford.

SB 993 ON THIRD READING
(Madden - House Sponsor)

SB 993, A bill to be entitled An Act relating to the election of the office of precinct chair of a political party.

SB 993 was passed. (Keel recorded voting no)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSSB 932 ON SECOND READING
(Oliveira, Patterson, and Marchant - House Sponsors)

CSSB 932, A bill to be entitled An Act relating to abolishing the Texas Department of Commerce and the Texas Agricultural Finance Authority and transferring the powers and duties of the agencies to the newly created Texas Economic Development Agency to administer state agency loan and loan guarantee programs and to engage in capital formation initiatives to further the state's economic and agricultural development goals.

CSSB 932 was considered in lieu of **HB 2500**.

CSSB 932 was read second time.

Amendment No. 1

Representative Oliveira offered the following amendment to **CSSB 932**:

Amend **CSSB 932** by striking the proposed Article 5 (committee report, page 9, line 7 through page 10, line 16) in its entirety and renumbering subsequent Articles accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Gutierrez offered the following amendment to **CSSB 932**:

Amend **CSSB 932** on page 12, line 9, after "Centers" and before "," by inserting "and the production and publication of Texas Highways magazine".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Kuempel offered the following amendment to **CSSB 932**:

Amend **CSSB 932** as follows:

- (1) on page 11, line 22, after "TRANSFERS" and before "." insert ", CONTRACTS, AND AGREEMENTS";
- (2) on page 11, line 22, after the "." and before "On" insert "(a)";
- (3) on page 12, line 3, strike "the public information program to

communicate the state's natural and cultural resource conservation message through various media, including television, radio, newspapers, and magazine";

(4) on page 12, between lines 10 and 11 insert "(b) On or before May 1, 1998, the development agency and the Parks and Wildlife Department shall enter into an agreement for up to 600 hours of audio-visual studio and technical support provided by the Parks and Wildlife Department without a fee. However, terms relating to equipment usage and time management of services, support, and facilities will be negotiated between the agencies to support the complementary missions of the development agency and the Parks and Wildlife Department.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Swinford offered the following amendment to **CSSB 932**:

Amend **CSSB 921** as follows:

Strike Article 3 [lines 11-27, page 4, and lines 1-2, page 5] and Article 8 [lines 5-15, page 13] in their entirety, and renumber all remaining Articles accordingly.

Amendment No. 5

Representative Uher offered the following amendment to Amendment No. 4:

Amend the Swinford amendment to **CSSB 932** by substituting the following:

Amend **CSSB 932** by adding a new SECTION 3.07 to read as follows:

SECTION 3.07. SUNSET. The legislature shall review the abolition of the Texas Agricultural Finance Authority and transfers under this Act not later than June 1, 2001.

Representative Swinford moved to table Amendment No. 5.

The motion to table prevailed.

Amendment No. 4 was adopted. (Isett recorded voting yes)

Amendment No. 6

Representative Delisi offered the following amendment to **CSSB 932**:

Amend **CSSB 932** by adding the appropriately numbered section as follows and renumbering subsequent sections appropriately:

SECTION _____. Subtitle C, Title 4, Government Code, is amended by adding Chapter 436 to read as follows:

CHAPTER 436. ADVISORY COMMISSION ON

THE ECONOMIC DEVELOPMENT

IMPACT OF MILITARY FORCES IN TEXAS

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

Sec. 436.001. DEFINITION. In this chapter, "commission" means the Advisory Commission on Military Forces in Texas.

Sec. 436.002. COMPOSITION. The commission is composed of:

- (1) nine public members, appointed by the governor; and
- (2) the following ex officio members:

(A) the chair of the committee of the Texas House of Representatives that has primary jurisdiction of matters concerning state, federal, and international relations; and

(B) the chair of the committee of the Texas Senate that has primary jurisdiction of matters concerning veteran affairs and military installations.

Sec. 436.003. TERMS. (a) The nine public members of the commission serve staggered terms of three years with the terms of one-third of the members expiring February 1 of each year.

(b) A legislative member vacates the person's position on the commission if the person ceases to be the chair of the applicable legislative committee.

Sec. 436.004. PRESIDING OFFICER. The governor shall designate the presiding officer of the commission from among the members of the commission.

Sec. 436.005. COMPENSATION. (a) A public member of the commission is not entitled to compensation but is entitled to reimbursement, from commission funds, for the travel expenses incurred by the member while conducting the business of the commission, as provided by the General Appropriations Act.

(b) The entitlement of a legislative member to compensation or reimbursement for travel expenses is governed by the law applying to the member's service in that underlying position, and any payments to the member shall be made from the appropriate funds of the applicable house of the legislature.

Sec. 436.006. MEETINGS. The commission shall meet at least quarterly.

Sec. 436.007. APPLICABILITY OF OTHER LAW. Article 6252-33, Revised Statutes, does not apply to the commission.

[Sections 436.008-436.030 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

Sec. 436.031. POWERS AND DUTIES. The commission shall serve as an advisory committee to the Texas Economic Development Agency on the effect of the military on the economy of this state and make recommendations regarding:

(1) the development of a contingency plan to support and promote the military in connection with the possible reduction, closure, or conversion of federal military bases in this state;

(2) the development of policies and plans to support the long-term viability and prosperity of the military, active and civilian, in this state;

(3) the development of methods to improve private and public employment opportunities for former members of the military residing in this state; and

(4) the compilation of information for use in a quarterly economic impact statement prepared by the Texas Economic Development Commission detailing the effect of the military on the economy of this state.

Amendment No. 6 was adopted without objection.

CSSB 932, as amended, was passed to third reading. (Heflin recorded voting no)

HB 2500 - LAID ON THE TABLE SUBJECT TO CALL

Representative Oliveira moved to lay **HB 2500** on the table subject to call.

The motion prevailed without objection.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

RULES SUSPENDED

Representative Oakley moved to suspend the 5-day posting rule to allow the Committee on Public Safety to consider **SB 12**, **SB 187**, **SB 322**, **SB 1546**, and **SB 1676**

The motion prevailed without objection.

Representative Hilderbran moved to suspend the 5-day posting rule to allow the Committee on Human Services to consider **SB 239**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Human Services, on noon recess today, Desk 41, to consider **SB 239**.

Conference committee on **HB 4** and **HJR 4**, 3 p.m. today, appropriations committee room.

County Affairs, on noon recess today, Desk 4.

Insurance, on noon recess today, Desk 24, to consider **SB 865**, **SB 1387**, and **SB 1651**.

Environmental Regulation, on noon recess today, Desk 98, to consider senate bills and pending business.

Economic Development, on noon recess today, Desk 61.

Higher Education, on noon recess today, Desk 118.

Ways and Means, on noon recess today, Desk 70, to consider pending bills.

Urban Affairs, on noon recess today, Desk 73, to consider change in previous minutes and **SB 629**.

Natural Resources, on noon recess today, Desk 9.

Juvenile Justice and Family Issues, on noon recess today, Desk 20, to consider **SB 1232**, **SB 1594**, and **SB 1938**.

Public Safety, on noon recess today, Desk 43, to consider **SB 12**, **SB 187**, **SB 322**, **SB 1546**, and **SB 1676**.

Local and Consent Calendars, on noon recess today.

RECESS

Representative Eiland moved that the house recess until 2:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:54 p.m., recessed until 2:30 p.m. today.

AFTERNOON SESSION

The house met at 2:30 p.m. and was called to order by the speaker.

POSTPONED BUSINESS
(consideration continued)**HB 292 ON SECOND READING**
(by Chisum)

HB 292, A bill to be entitled An Act relating to election of the board of directors of the Hutchinson County Hospital District.

HB 292 was read second time on April 30 and was postponed until 10 a.m. today.

Representative Chisum moved to postpone consideration of **HB 292** until 10 a.m. Tuesday, June 3.

The motion prevailed without objection.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 3 and 4).

SB 1765 ON SECOND READING
(Counts - House Sponsor)

SB 1765, A bill to be entitled An Act relating to certification of certain persons who practice acupuncture.

SB 1765 was considered in lieu of **HB 1956**.

SB 1765 was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Berlanga, Representative Counts offered the following committee amendment to **SB 1765**:

Amend **SB 1765**, in added Section 6.118(c), Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes)(engrossed version, page 3, lines 17-18), by striking "in a facility approved by the Texas Commission on Alcohol and Drug Abuse".

Amendment No. 1 was adopted.

SB 1765, as amended, was passed to third reading.

HB 1956 - LAID ON THE TABLE SUBJECT TO CALL

Representative Counts moved to lay **HB 1956** on the table subject to call.

The motion prevailed without objection.

CSHB 1787 ON SECOND READING
(by Coleman and Maxey)

CSHB 1787, A bill to be entitled An Act relating to intermediate care facilities for the mentally retarded; imposing civil and criminal penalties.

CSHB 1787 was read second time on May 7, postponed until May 12, and was again postponed until 10 a.m. today.

Representative Coleman moved to postpone consideration of **CSHB 1787** until 9 p.m. today.

The motion prevailed without objection.

CSHB 2773 ON SECOND READING
(by Coleman)
LAI D ON THE TABLE SUBJECT TO CALL

CSHB 2773, A bill to be entitled An Act relating to expanded hours of operation under the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

CSHB 2773 was read second time on May 7, postponed until May 12, and was again postponed until 10 a.m. today.

Representative Coleman moved to lay **CSHB 2773** on the table subject to call.

The motion prevailed without objection.

SB 1406 ON SECOND READING
(Gallego - House Sponsor)

SB 1406, A bill to be entitled An Act relating to the duties and operations of a watermaster's office, reimbursement of the Texas Natural Resource Conservation Commission for the compensation and necessary expenses of a watermaster's office, and creation of the watermaster fund.

SB 1406 was considered in lieu of **CSHB 3387**.

SB 1406 was read second time and was passed to third reading.

CSHB 3387 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hinojosa moved to lay **CSHB 3387** on the table subject to call.

The motion prevailed without objection.

SB 1878 ON SECOND READING
(Krusee - House Sponsor)

SB 1878, A bill to be entitled An Act relating to authorizing certain municipal utility districts to repair and maintain streets and to issue bonds for that purpose.

SB 1878 was considered in lieu of **CSHB 666**.

SB 1878 was read second time and was passed to third reading.

CSHB 666 - LAID ON THE TABLE SUBJECT TO CALL

Representative Krusee moved to lay **CSHB 666** on the table subject to call.

The motion prevailed without objection.

CSSB 1630 ON SECOND READING

(Siebert - House Sponsor)

CSSB 1630, A bill to be entitled An Act relating to motor vehicle registrations.

CSSB 1630 was considered in lieu of **CSHB 1906**.

CSSB 1630 was read second time.

Amendment No. 1

Representative Siebert offered the following amendment to **CSSB 1630**:

Amend **CSSB 1630**, Section 5, page 4, line 5, after "dwelling" and before ":", by inserting the following language:

": provided that "travel trailer" shall not include utility trailers, enclosed trailers, or other trailers not having human habitation as its primary purpose."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Horn offered the following amendment to **CSSB 1630**:

Amend **CSSB 1630** by adding the following new section to the bill, appropriately numbered, and renumbering existing sections of the bill accordingly:

SECTION _____. (a) Effective September 1, 1997, Subchapter A, Chapter 502, Transportation Code, is amended by adding Section 502.009 to read as follows:

Sec. 502.009. ISSUANCE AND DISPLAY OF LICENSE PLATE. (a) Notwithstanding anything in this chapter to the contrary, including Section 502.180, the department shall issue only one license plate for attachment at the rear of the vehicle for which the plate is issued.

(b) Notwithstanding anything in this chapter to the contrary, including Section 502.404(a), a person is entitled to operate on a public highway a vehicle that displays only one license plate if the plate is attached at the rear of the vehicle.

(c) In any provision of this chapter that relates to the issuance or display of "license plates," "plates," or a "set of plates," the term means only one license plate.

(b) The change in law made by this section relating to the display of license plates on a motor vehicle that is operated on a public highway applies only to the operation of a motor vehicle on a public highway on or after September 1, 1997. The display of license plates on a motor vehicle before September 1, 1997, is covered by the law in effect when the vehicle was operated and the former law is continued in effect for that purpose.

Representative Siebert moved to table Amendment No. 2.

The motion to table prevailed.

CSSB 1630, as amended, was passed to third reading. (Finnell recorded voting no)

CSHB 1906 - LAID ON THE TABLE SUBJECT TO CALL

Representative Siebert moved to lay **CSHB 1906** on the table subject to call.

The motion prevailed without objection.

HB 3475 ON SECOND READING
(by Alvarado and Greenberg)

HB 3475, A bill to be entitled An Act relating to facilitating the organization and availability of government information.

HB 3475 was read second time on May 7, postponed until May 12, and was again postponed until 2 p.m. today.

HB 3475 was passed to engrossment.

SB 1286 ON SECOND READING
(Talton - House Sponsor)

SB 1286, A bill to be entitled An Act relating to civil service for firefighters and police officers in certain municipalities.

SB 1286 was considered in lieu of **CSHB 3324**.

SB 1286 was read second time.

Representative Talton moved to postpone consideration of **SB 1286** until 5 p.m. today.

The motion prevailed without objection.

CSHB 3324 - LAID ON THE TABLE SUBJECT TO CALL

Representative Talton moved to lay **CSHB 3324** on the table subject to call.

The motion prevailed without objection.

CSHB 3151 ON SECOND READING
(by Hilbert)

CSHB 3151, A bill to be entitled An Act relating to optional contracts by certain conservation and reclamation districts to make payments in exchange for a deferral of annexation to cities with a population in excess of 1,600,000 to be used for the supply of treated surface water and providing for alternatives for non-participating districts.

CSHB 3151 was read second time on May 14 and was postponed until 2 p.m. today.

Amendment No. 1

Representatives Hilbert, Hamric, and Williams offered the following amendment to **CSHB 3151**:

Amend **CSHB 3151** by striking SECTIONS 1 and 2 and inserting in lieu thereof the following:

SECTION 1. Sec. 43.083, Local Government Code, is added to read as follows:

Sec. 43.083. (a) This section applies to:

(1) A municipality with a population of 1.6 million or more; and

(2) a municipal utility district, water district or conservation and reclamation district that is:

(A) created under Article III, Section 52, or Article XVI, Section 59, Texas Constitution; and

(B) located in the extraterritorial jurisdiction of a municipality to which this section applies.

(b)(1) Notwithstanding any other provision of this code, a municipality to which this section applies may not annex a district to which this section applies before September 1, 2003, unless:

(A) the voters of the district approve the annexation in an election called for that purpose; or

(B) the voters of the district approve an agreement with the municipality under this section or the district and the municipality reach an agreement under Section 43.0751.

(2) If a district and a municipality enter into an agreement under this section, the municipality's right to annex the district in whole or in part is governed by the agreement. If a district and a municipality reach an agreement under Section 43.0751, the municipality's right to annex is governed by that section.

(c)(1) Notwithstanding any municipal charter provision to the contrary, a district and a municipality may negotiate and enter into an agreement under Section 43.0751, and that section applies to a municipality to which this section applies.

(2) A district and a municipality may enter into an agreement for the municipality to provide surface water to the district, including planning, designing, building, maintaining and operating a surface water delivery system and selling water to the district. During the period between the effective date of an agreement under this subsection and the date the district is connected to a surface water delivery system provided under the agreement, an agreement under this subsection may not obligate the district to pay the municipality more than one-tenth of one cent per gallon of groundwater pumped or acquired within the district. After the district is connected to a surface water delivery system provided under this section, the city must sell the district treated surface water at non-discriminatory wholesale rates, plus a separately stated capital recovery fee governed by the terms of the agreement, in an amount of water sufficient to comply with the agreement.

(d) A contract entered into under subsection (c)(2) must be approved by the voters of the district before it may become effective and enforceable. An agreement entered into under Section 43.0751 shall be governed by that section.

SECTION 2. This Act becomes effective September 1, 1997.

Amendment No. 1 was adopted without objection.

CSHB 3151, as amended, was passed to engrossment.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 772 ON THIRD READING
(by D. Jones)**

HB 772, A bill to be entitled An Act relating to the apportionment of the state into congressional districts.

HB 772 was passed. (Corte, Craddick, Denny, Heflin, Horn, Keel, and Solomons recorded voting no)

**HB 2254 ON THIRD READING
(by D. Jones)**

HB 2254, A bill to be entitled An Act relating to reapportionment of certain state representative districts.

HB 2254 was passed. (Corte, Denny, Heflin, Horn, and Solomons recorded voting no)

**HB 2948 ON THIRD READING
(by S. Turner)**

HB 2948, A bill to be entitled An Act relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **HB 4** and **HJR 4**:

Sadler on motion of R. Lewis.

Craddick on motion of R. Lewis.

Hochberg on motion of R. Lewis.

Brimer on motion of R. Lewis.

Stiles on motion of R. Lewis.

HB 2948 - (consideration continued)

A record vote was requested.

HB 2948 was passed by (Record 434): 108 Yeas, 22 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Bailey; Berlanga; Bonnen; Bosse; Burnam; Carter; Chavez; Coleman; Cook; Counts; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze;

Goodman; Gray; Greenberg; Gutierrez; Hamric; Hawley; Hernandez; Hightower; Hilbert; Hill; Hinojosa; Hirschi; Hodge; Holzheuser; Hunter; Janek; Jones, D.; Jones, J.; Keel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Olivo; Palmer; Patterson; Pitts; Place; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Seaman; Serna; Siebert; Smith; Smithee; Solis; Solomons; Staples; Swinford; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wise; Woolley; Yarbrough; Zbraneck.

Nays — Averitt; Chisum; Christian; Clark; Corte; Crabb; Denny; Elkins; Grusendorf; Hartnett; Heflin; Horn; Howard; Hupp; Isett; Keffer; Rabuck; Reyna, E.; Shields; Talton; Williams; Wohlgemuth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Goolsby; Junell.

Absent, Excused, Committee Meeting — Brimer; Craddick; Hochberg; Sadler; Stiles.

Absent — Haggerty; Hilderbran; Jackson; Kamel; Madden; Marchant; Oliveira; Pickett; Price; Puente; Wolens.

STATEMENTS OF VOTE

When Record No. 434 was taken, I was attending a conference committee meeting. I would have voted yes.

Craddick

I was shown voting yes on Record No. 434. I intended to vote no.

Culberson

When Record No. 434 was taken, I was in the house but away from my desk. I would have voted yes.

Kamel

When Record No. 434 was taken, I was in the house but away from my desk. I would have voted yes.

Puente

I was shown voting yes on Record No. 434. I intended to vote no.

Siebert

HB 2520 ON THIRD READING (by Gallego)

HB 2520, A bill to be entitled An Act relating to the conservatorship of state agencies and public junior colleges as a result of fiscal mismanagement.

(Craddick now present)

A record vote was requested.

HB 2520 was passed by (Record 435): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Gray; Grusendorf; Gutierrez; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Goolsby; Junell.

Absent, Excused, Committee Meeting — Brimer; Hochberg; Sadler; Stiles.

Absent — Burnam; Greenberg; Haggerty; Oliveira; Price; Wolens.

HB 3373 ON THIRD READING

(by Yarbrough, Keel, et al.)

HB 3373, A bill to be entitled An Act relating to the unlawful interception, use, or disclosure of certain wire, oral, or electronic communications.

HB 3373 was passed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Kubiak on motion of Yarbrough.

HB 1175 ON THIRD READING

(by Thompson)

HB 1175, A bill to be entitled An Act relating to the method of selection of certain justices and judges.

(Hochberg and Sadler now present)

Amendment No. 1

Representative Thompson offered the following amendment to **HB 1175**:

Amend **HB 1175** on third reading as follows:

(1) Strike Section 13 of the bill and substitute the following:

SECTION 13. Chapter 202, Election Code, is amended by amending Section 202.002 and by adding Section 202.008 to read as follows:

Sec. 202.002. Vacancy Filled at General Election. (a) If a vacancy occurs

on or before the 65th day before the date of the general election for state and county officers, including the nonpartisan judicial election, held in the next-to-last even-numbered year of a term of office, the remainder of the unexpired term shall be filled at the next such general election [~~for state and county officers~~], as provided by this chapter.

(b) If a vacancy occurs after the 65th day before the applicable [a] general election day, an election for the unexpired term may not be held at that general election. The appointment to fill the vacancy continues until the next succeeding applicable general election and until a successor has been elected and has qualified for the office.

Sec. 202.008. Filing Deadline For Application of Nonpartisan Judicial Candidate. (a) If a vacancy in a nonpartisan judicial office occurs on or before the 10th day before the date of the regular deadline for filing an application for a place on the nonpartisan judicial election ballot, an application for the unexpired term must be filed by the regular filing deadline.

(b) If the vacancy occurs after the 10th day before the date of the regular filing deadline, an application for the unexpired term must be filed not later than 5 p.m. of the 15th day after the date the vacancy occurs or 5 p.m. of the 60th day before election day, whichever is earlier.

(c) The filing fee or petition requirements for a candidate for an unexpired term are the same as for a candidate for a full term.

(2) In Section 14 of the bill strike "January 1, 1998," and substitute "September 1, 1997,".

(3) In Section 14 of the bill, at the end of the sentence and immediately before the period, insert "or for the period for which appointed, as applicable".

(4) Strike Section 15 of the bill and substitute the following:

SECTION 15. This Act takes effect September 1, 1997.

A record vote was requested.

Amendment No. 1 failed of adoption (not receiving the necessary 2/3 vote) by (Record 436): 77 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Coleman; Cook; Counts; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, D.; Jones, J.; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Olivo; Patterson; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbraneck.

Nays — Allen; Averitt; Bonnen; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Elkins; Finnell; Galloway; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Kamel; Keel; Keffer; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Pitts; Rabuck; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Goolsby; Junell; Kubiak.

Absent, Excused, Committee Meeting — Brimer; Stiles.

Absent — Oliveira.

(Junell and Stiles now present)

A record vote was requested.

HB 1175 was passed by (Record 437): 79 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Coleman; Cook; Counts; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, J.; Junell; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Merritt; Moreno; Naishtat; Oakley; Olivo; Patterson; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bonnen; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Elkins; Finnell; Galloway; Grusendorf; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; Krusee; Kuempel; Madden; Marchant; McCall; Moffat; Mowery; Nixon; Palmer; Pitts; Rabuck; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Goolsby; Kubiak.

Absent, Excused, Committee Meeting — Brimer.

Absent — Haggerty; Oliveira.

INTRODUCTION OF GUESTS

The speaker recognized Representative Wilson, who introduced the members of ZZ Top: Billy Gibbons, Dusty Hill, and Frank Beard.

HCR 263, honoring ZZ Top and declaring May 15, 1997, ZZ Top Day in Texas, having been previously adopted, was read.

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

CSHB 2356 ON SECOND READING
(by Davis, et al.)
LAI'D ON THE TABLE SUBJECT TO CALL

CSHB 2356, A bill to be entitled An Act relating to the administration of state-owned historical parks, structures, and sites by the Texas Historical Commission; making a contingent appropriation; providing penalties.

Representative Davis moved to lay **CSHB 2356** on the table subject to call.

The motion prevailed without objection.

HB 2321 ON SECOND READING
(by Palmer and Wohlgemuth)

HB 2321, A bill to be entitled An Act relating to nursing home bed certification and decertification.

Amendment No. 1

Representative Palmer offered the following amendment to **HB 2321**:

Amend **HB 2321** as follows:

1) On line 8, insert the phrase "certify and" following the word "to" and preceding the word "decertify".

2) On line 8, insert the phrase "in accordance with this section" following the word "beds" and preceding the period.

3) On line 23, strike the words "three years" and replace with the phrase "one year".

4) On line 12, strike the word "a" and replace with the phrase "the date of the".

5) Insert a new Subsection (c) beginning on line 14 to read as follows:
"The department may decertify nursing home beds under this section if the nursing facility fails to maintain for those beds an annual average occupancy rate of at least 80 percent during the one year preceding the date on which the decertification is effective."

6) Redesignate former Subsection (c) as Subsection (d).

7) On line 16, insert the phrase "or (c)" following "(b)" and preceding the period.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Maxey offered the following amendment to **HB 2321**:

Amend **HB 2321** by adding the following new section, appropriately numbered, and renumbering the existing sections of the bill accordingly:

SECTION __. ADVISORY COMMITTEE. (a) An advisory committee to the Texas Department of Human Services is created to develop an alternative system of reimbursing nursing facilities under the state Medicaid program that more effectively promotes and rewards quality care.

(b) The alternative reimbursement system must be:

(1) based on a specific set of measurable outcomes; and

(2) designed to ensure that quality nursing facility service is recognized and appropriately compensated.

(c) The advisory committee is composed of:

(1) 10 members appointed by the Texas Board of Human Services as follows:

(A) two members must be representatives of nonprofit nursing facilities;

(B) three members must be representatives of nursing facilities operated for profit;

(C) three members must represent advocacy groups for persons who receive services in nursing facilities; and

(D) two members must be professionals who represent the concerns of the elderly or persons who are disabled; and

(2) the presiding officer of the Texas Board of Human Services or a person designated under Subsection (e) of this section.

(d) A person may not be appointed to the advisory committee under Subsection (c)(1)(D) of this section if the person or the person's spouse:

(1) is employed by or participates in the management of a nursing facility; or

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a nursing facility.

(e) The presiding officer of the Texas Board of Human Services may designate another individual to serve on the advisory committee on behalf and under the direction of the presiding officer of the board.

(f) The presiding officer of the Texas Board of Human Services or the person designated by the presiding officer under Subsection (e) of this section may vote on advisory committee action only if necessary to break a tie vote.

(g) A member of the advisory committee appointed by the Texas Board of Human Services serves at the will of the board.

(h) The members of the advisory committee shall elect a presiding officer and any other necessary officers for the committee.

(i) The advisory committee shall meet at the call of the presiding officer of the committee.

(j) A member of the advisory committee receives no compensation for serving on the committee, and is not entitled to receive reimbursement of expenses incurred while serving on the committee.

(k) The advisory committee is not subject to Article 6252-33, Revised Statutes.

SECTION __. DEADLINE AND REPORT. Not later than November 15, 1998, the advisory committee created under Section __ of this Act shall:

(1) complete development of the alternative reimbursement system; and

(2) prepare and deliver a report concerning the alternative reimbursement system to the governor, lieutenant governor, and clerks of the standing committees of the senate and house of representatives with primary jurisdiction over reimbursements to nursing facilities under the state Medicaid program.

SECTION __. APPOINTMENT OF ADVISORY COMMITTEE MEMBERS. Not later than November 15, 1997, the Texas Board of Human

Services shall appoint the members of the advisory committee created under Section ___ of this Act.

SECTION ___. IMPACT ON OTHER REIMBURSEMENT PROPOSALS. Sections ___-___ of this Act do not prohibit or otherwise affect implementation of a modification to the current system of reimbursing nursing facilities under the state Medicaid program that is:

- (1) proposed before the advisory committee created under Section ___ of this Act completes development of an alternative reimbursement system; and
- (2) designed to promote and reward quality care.

Amendment No. 2 was adopted without objection.

HB 2321, as amended, was passed to engrossment. (Carter, Cook, and B. Turner recorded voting no)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **SB 190**:

Hilderbran on motion of Elkins.

Madden on motion of Elkins.

Naishtat on motion of Elkins.

Davila on motion of Elkins.

McReynolds on motion of Elkins.

CSHB 1800 ON SECOND READING **(by Hochberg)**

CSHB 1800, A bill to be entitled An Act relating to state-administered assessment instruments for students in special education programs.

Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 1800**:

Amend **CSHB 1800** as follows:

- (1) On page 4, between lines 23 and 24, insert the following:

(k) Notwithstanding Subsection (e), the agency shall initially release under Subsection (e) the questions and answer keys to each assessment instrument administered under Subsection (b) during the third school year in which the instrument is administered after the last time the instrument is administered for that school year. This subsection expires September 1, 2004.

- (2) On page 7, strike lines 14-17 and substitute the following:

(c) The commissioner shall develop and adopt a process for reviewing the exemption process of a school district or shared services arrangement that gives an exemption under Subsection (a)(1) as follows:

(1) to more than five percent of the students in the special education program, in the case of a district or shared services arrangement with an average daily attendance of at least 1,600;

(2) to more than 10 percent of the students in the special education program, in the case of a district or shared services arrangement with an average daily attendance of at least 190 and not more than 1,599;

(3) to the greater of more than 10 percent of the students in the special education program or to at least five students in the special education program, in the case of a district or shared services arrangement with an average daily attendance of not more than 189.

(3) On page 7, between lines 26 and 27, insert the following:

(e) In this section, "average daily attendance" is computed in the manner provided by Section 42.005.

Amendment No. 1 was adopted without objection.

CSHB 1800, as amended, was passed to engrossment.

CSHB 3332 ON SECOND READING
(by Gallego, et al.)

CSHB 3332, A bill to be entitled An Act relating to regulating and reporting certain political contributions and certain political expenditures and to regulating certain political advertising; providing criminal penalties.

Amendment No. 1

Representatives Bailey and D. Jones offered the following amendment to **CSHB 3332**:

Amend **CSHB 3332** as follows:

(1) On page 23, line 7, strike "\$200" and substitute "\$5,000 in the aggregate".

(2) On page 23, lines 7-8, strike "a candidate, officeholder, political committee, or political party" and substitute "one or more candidates, officeholders, political committees, or political parties".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Gallego offered the following amendment to **CSHB 3332**:

Amend **CSHB 3332** by inserting the following new section, appropriately numbered, and renumbering the subsequent sections appropriately:

SECTION _____. Subchapter F, Chapter 253, Election Code, is amended by adding Section 253.1611 to read as follows:

Sec. 253.1611. ACCEPTANCE OF CERTAIN CONTRIBUTIONS BY CERTAIN OFFICEHOLDERS PROHIBITED. (a) A judicial officeholder who is a candidate for an office other than the office held may not accept a political contribution from:

(1) an attorney who represents a party in a matter pending before the court over which the officeholder presides;

(2) an attorney who in the preceding year has represented a party in a matter before the court over which the officeholder presides;

(3) a law firm of which an attorney described by Subdivision (1) or (2) is a member.

(b) A person who violates this section is liable for a civil penalty not to

exceed three times the amount of political contributions accepted in violation of this section.

(c) In this section, "law firm" and "member" have the meanings assigned by Section 253.157.

(Goolsby now present)

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Bailey offered the following amendment to **CSHB 3332**:

Amend **CSHB 3332** as follows:

(1) On page 3, between lines 18 and 19, insert the following:

Sec. 253.207. CONTRIBUTION LIMITS. The principal campaign committee of a candidate or officeholder may not knowingly accept a political contribution from a person other than a general-purpose committee that, when aggregated with each other political contribution from the person, in connection with each election in which the candidate or officeholder is involved, exceeds:

(1) \$25,000, for a statewide office;

(2) \$2,500, for the office of state senator; or

(3) \$1,000, for the office of state representative or member, State Board of Education.

(2) On page 3, line 19, strike "Sec. 253.207" and substitute "Sec. 253.208".

(3) On page 4, line 20, strike "Sec. 253.208" and substitute "Sec. 253.209".

(4) On page 5, line 10, strike "Section 253.209" and substitute "Section 253.210".

(5) On page 5, line 20, strike "Sec. 253.209" and substitute "Sec. 253.210".

(6) On page 5, line 21, strike "Section 253.208" and substitute "Section 253.209".

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

Swinford on motion of R. Lewis.

Delisi on motion of R. Lewis.

Junell on motion of R. Lewis.

Coleman on motion of R. Lewis.

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on **HB 4** and **HJR 4**:

Craddick on motion of R. Lewis.

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **HB 4** and **HJR 4**:

Sadler on motion of R. Lewis.

Hochberg on motion of R. Lewis.

Brimer on motion of R. Lewis.

Stiles on motion of R. Lewis.

CSHB 3332 - (consideration continued)

A record vote was requested.

Amendment No. 3 failed of adoption by (Record 438): 47 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Danburg; Davis; Dukes; Dunnam; Ehrhardt; Eiland; Finnell; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Greenberg; Hirsch; Hodge; Jones, J.; Kamel; Lewis, R.; Longoria; Luna; Moreno; Oakley; Oliveira; Olivo; Patterson; Pickett; Price; Rangel; Raymond; Reyna, A.; Rhodes; Serna; Tillery; Torres; Turner, S.; Van de Putte; Wise; Wolens; Yarbrough; Zbranek.

Nays — Alexander; Allen; Averitt; Bonnen; Carter; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Cuellar; Culberson; Denny; Driver; Dutton; Elkins; Farrar; Galloway; Goodman; Goolsby; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hill; Hinojosa; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Keel; Keffer; Krusee; Kuempel; Lewis, G.; Marchant; McCall; McClendon; Merritt; Moffat; Mowery; Nixon; Palmer; Pitts; Place; Puente; Rabuck; Ramsay; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Talton; Telford; Thompson; Turner, B.; Uher; Walker; West; Williams; Williamson; Wilson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kubiak.

Absent, Excused, Committee Meeting — Brimer; Coleman; Craddick; Davila; Delisi; Hilderbran; Hochberg; Junell; Madden; McReynolds; Naishtat; Sadler; Stiles; Swinford.

Absent — Edwards; King; Maxey.

STATEMENTS OF VOTE

I was shown voting no on Record No. 438. I intended to vote yes.

Gutierrez

When Record No. 438 was taken, I was in the house but away from my desk. I would have voted yes.

King

Amendment No. 4

Representative Zbranek offered the following amendment to **CSHB 3332**:

Amend **CSHB 3332** as follows:

On page 21, line 10, strike "to" and substitute "or otherwise".

Amendment No. 4 was withdrawn.

Amendment No. 5

Representatives Shields and Grusendorf offered the following amendment to **CSHB 3332**:

Amend **CSHB 3332** by inserting the following new section, appropriately numbered, and renumbering the subsequent sections accordingly:

SECTION _____. Section 253.001(a), Election Code, is amended to read as follows:

(a) A person may not knowingly make or authorize a political contribution or political expenditure in the name of or on behalf of another unless the person discloses the other's name in order for the proper disclosure to be made. This section also applies to a political contribution or political expenditure made or authorized by a person who is not a resident of the United States.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Yarbrough offered the following amendment to **CSHB 3332**:

Amend **CSHB 3332** as follows:

(1) On page 13, between lines 2 and 3, insert a new SECTION 10 of the bill to read as follows and renumber the subsequent sections accordingly:

SECTION 10. Section 254.041(b), Election Code, is amended to read as follows:

(b) Except as provided by Subsection (c), an offense under this section is a Class B [E] misdemeanor.

(2) On page 26, line 27, between "253.001," and "254.128," insert "254.041,".

(3) On page 27, line 5, between "253.001," and "254.128," insert "254.041,".

Representative Gallego moved to table Amendment No. 6.

The motion to table prevailed.

Amendment No. 7

Representative Woolley offered the following amendment to **CSHB 3332**:

Amend **CSHB 3332** on page 25 by striking lines 3-4 and substituting the following:

(3) the amount of compensation received in the reporting period for political services, reported in the following categories unless reported as an exact amount:

(A) \$0 if no compensation or reimbursement is received;

(B) less than \$10,000;

(C) at least \$10,000 but less than \$25,000;

(D) at least \$25,000 but less than \$50,000;

(E) at least \$50,000 but less than \$100,000;

(F) at least \$100,000 but less than \$150,000;

(G) at least \$150,000 but less than \$200,000; and

(H) \$200,000 or more.

Amendment No. 7 was adopted without objection.

Amendment No. 8

Representatives Shields and Talton offered the following amendment to **CSHB 3332**:

Amend **CSHB 3332** by inserting the following new sections, appropriately numbered, and renumbering the subsequent sections accordingly:

SECTION _____. Section 253.002(b), Election Code, is amended to read as follows:

(b) This section does not apply to:

(1) an individual or organization making an expenditure authorized by Subchapter C;

(2) a corporation or labor organization making an expenditure authorized by Subchapter D;

(3) a candidate making or authorizing an expenditure for the candidate's own election;

(4) a political committee; or

(5) a campaign treasurer or assistant campaign treasurer acting in an official capacity.

SECTION _____. The heading to Subchapter C, Chapter 254, Election Code, is amended to read as follows:

SUBCHAPTER C. INDIVIDUALS OR ORGANIZATIONS

SECTION _____. Subchapter C, Chapter 253, Election Code, is amended by adding Sections 253.064 and 253.065 to read as follows:

Sec. 253.064. DIRECT EXPENDITURE OF \$100 OR LESS. Except as otherwise provided by law, an organization that is not a political committee, not acting in concert with another person, may make one or more direct campaign expenditures in an election from the organization's own property if:

(1) the total expenditures on any one or more candidates or measures do not exceed \$100; and

(2) the organization receives no reimbursement for the expenditures.

Sec. 253.065. DIRECT EXPENDITURES EXCEEDING \$100. (a) Except as otherwise provided by law, an organization that is not a political committee not acting in concert with another person may make one or more direct campaign expenditures in an election from the organization's own property that exceed \$100 on any one or more candidates or measures if:

(1) the organization complies with Chapter 254 as if the organization were a political committee; and

(2) the individual receives no reimbursement for the expenditures.

(b) An organization making expenditures under this section is not required to file a campaign treasurer appointment.

Representative Gallego moved to table Amendment No. 8.

The motion to table was withdrawn.

Amendment No. 8 was withdrawn.

Amendment No. 9

Representative Howard offered the following amendment to **CSHB 3332**:

Amend **CSHB 3332** as follows:

(1) On page 5, strike lines 3-7 and substitute the following:

(c) The fair campaign spending fund may be used only for payment of costs incurred in imposing civil penalties for violations of this subchapter.

(2) On page 5, strike lines 8-10.

(3) On page 5, line 11, strike "(e)" and substitute "(d)".

(4) On page 5, line 14, strike "(f)" and substitute "(e)".

(5) On page 5, line 15, strike "(c)(1), (d), and (e)" and substitute "(c) or (d)".

(6) On page 5, line 18, strike "(g)" and substitute "(f)".

(7) On page 5, strike lines 20-27.

(8) On page 6, strike lines 1-12.

(R. Lewis in the chair)

Representative Gallego moved to table Amendment No. 9.

The motion to table prevailed.

Amendment No. 10

Representative Grusendorf offered the following amendment to **CSHB 3332**:

Amend **CSHB 3332** by inserting the following new sections, appropriately numbered, and renumbering the subsequent sections appropriately:

SECTION _____. Section 254.031(a), Election Code, is amended to read as follows:

(a) Except as otherwise provided by this chapter, each report filed under this chapter must include:

(1) the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions;

(2) the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report and that in the aggregate exceed \$50, the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period;

(3) the amount of political expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures;

(4) the amount if each payment made during the reporting period from a political contribution if the payment is not a political expenditure, the full name and address of the person to whom the payment is made, and the date and purpose of the payment;

(5) the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$50 or less made during the reporting period;

(6) the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period; ~~and~~

(7) the name of each candidate or officeholder who benefits from a direct campaign expenditure made during the reporting period by the person or committee required to file the report, and the office sought or held, excluding a direct campaign expenditure that is made by the principal political committee of a political party on behalf of a slate of two or more nominees of that party; and

(8) for each political expenditure for travel made during the reporting period that exceeds \$200:

(A) the name of each person for whom travel expenses were paid;

(B) the purpose of the travel;

(C) the destinations; and

(D) documentation supporting the actual out-of-pocket expenses incurred for the travel by the person or committee required to file the report.

SECTION _____. Section 254.031, Election Code, as amended by this Act, applies only to the reporting of a political expenditure made on or after September 1, 1997. The reporting of a political expenditure made before that date is governed by the law in effect at the time the expenditure was made, and the former law is continued in effect for that purpose.

Amendment No. 10 failed of adoption.

Amendment No. 11

Representative Garcia offered the following amendment to **CSHB 3332**:

Amend **CSHB 3332** as follows:

(1) On page 3, between lines 18 and 19, insert the following:

Sec. 253.207. LIMIT ON CONTRIBUTIONS BY GENERAL-PURPOSE COMMITTEES. The principal campaign committee of a candidate or officeholder may not knowingly accept a political contribution from a general-purpose committee that, when aggregated with each other political contribution from the committee, in connection with each election in which the candidate or officeholder is involved, exceeds \$10,000.

(2) On page 3, line 19, strike "Sec. 253.207" and substitute "Sec. 253.208".

(3) On page 4, line 20, strike "Sec. 253.208" and substitute "Sec. 253.209".

(4) On page 5, line 10, strike "Section 253.209" and substitute "Section 253.210".

(5) On page 5, line 20, strike "Sec. 253.209" and substitute "Sec. 253.210".

(6) On page 5, line 21, strike "Section 253.208" and substitute "Section 253.209".

A record vote was requested.

Amendment No. 11 was adopted by (Record 439): 68 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Alvarado; Bailey; Bosse; Burnam; Chavez; Cook; Counts; Cuellar; Danburg; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hinojosa; Hirschi; Hodge; Horn; Jones, J.; Kamel; King; Lewis, G.; Longoria; Luna; Maxey; McClendon; Moreno; Oakley; Olivo; Patterson; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Serna; Solis; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbrank.

Nays — Alexander; Allen; Averitt; Bonnen; Carter; Chisum; Christian; Clark; Corte; Crabb; Culberson; Denny; Driver; Elkins; Galloway; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hightower; Hilbert; Hill; Holzheuser; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Keel; Keffer; Krusee; Kuempel; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Pitts; Rabuck; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Talton; Telford; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Lewis, R.(C).

Absent, Excused — Kubiak.

Absent, Excused, Committee Meeting — Brimer; Coleman; Craddick; Davila; Delisi; Hilderbran; Hochberg; Junell; Madden; McReynolds; Naishtat; Sadler; Stiles; Swinford.

Absent — Berlanga; Oliveira.

(Speaker in the chair)

(Hochberg now present)

Representative Grusendorf raised a point of order against further consideration of **CSHB 3332** under Rule 4, Section 16 and Rule 4, Section 18(a)(3) of the House Rules on the grounds that the minutes of the Calendars Committee do not reflect that the bill was placed on the calendar.

The speaker sustained the point of order.

The bill was returned to the Committee on Calendars.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

SB 1286 ON SECOND READING (Talton - House Sponsor)

SB 1286, A bill to be entitled An Act relating to civil service for firefighters and police officers in certain municipalities.

SB 1286 was read second time earlier today and was postponed until 5 p.m. today.

Representative Talton moved to postpone consideration of **SB 1286** until 10 a.m. Friday, May 16.

The motion prevailed without objection.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

Gallego on motion of Gutierrez.

Cuellar on motion of R. Lewis.

**MAJOR STATE CALENDAR
(consideration continued)****CSHB 3428 ON SECOND READING
(by Naishtat, Davila, et al.)**

CSHB 3428, A bill to be entitled An Act relating to financial assistance and related services for victims of family violence.

Representative Hochberg moved to postpone consideration of **CSHB 3428** until 7:30 p.m. today.

The motion prevailed without objection.

**CSHB 3019 ON SECOND READING
(by Allen)**

CSHB 3019, A bill to be entitled An Act relating to permit exemptions under the Texas Clean Air Act for construction or modification of certain facilities.

Representative Allen moved to postpone consideration of **CSHB 3019** until 7 p.m. today.

The motion prevailed without objection.

**HR 976 - ADOPTED
(by Price)**

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 976**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 976, Commending the Reverend Raymond Scott for his outstanding service to the Port Arthur community.

HR 976 was adopted without objection.

**HR 971 - ADOPTED
(by Solis)**

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 971**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 971, Commending the dedicated volunteers and employees of the Rio Grande State Center.

HR 971 was adopted without objection.

(Brimer now present)

**HR 889 - ADOPTED
(by Holzheuser)**

Representative Holzheuser moved to suspend all necessary rules to take up and consider at this time **HR 889**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 889, Congratulating the Reverend and Mrs. Sterling Henry Wood, Jr., on the occasion of their 50th wedding anniversary.

HR 889 was adopted without objection.

(Hilderbran now present)

**SB 1304 ON SECOND READING
(Thompson - House Sponsor)**

SB 1304, A bill to be entitled An Act relating to funds tendered into the registry of the court.

SB 1304 was considered in lieu of **HB 2270**.

SB 1304 was passed to third reading.

(Cuellar now present)

HB 2270 - LAID ON THE TABLE SUBJECT TO CALL

Representative Thompson moved to lay **HB 2270** on the table subject to call.

The motion prevailed without objection.

**HB 2103 ON SECOND READING
(by S. Turner and McClendon)**

HB 2103, A bill to be entitled An Act relating to restrictions on the siting of solid waste facilities and to the Texas Natural Resource Conservation Commission's consideration of cumulative risks in certain administrative proceedings.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Jackson, Representative S. Turner offered the following committee amendment to **HB 2103**:

Amend **HB 2103** as follows:

(1) On page 1, strike lines 9-14 and substitute:

(c) It is the state's policy to ensure that new solid waste facilities are not located disproportionately in preexisting low-income, minority, or other communities and that the adverse effects of solid waste facilities on the communities in which they are located are minimized, while ensuring that the state has adequate solid waste management capacity.

(2) On page 1, strike lines 21-23 and substitute:

(1) ensure that new solid waste facilities are not located disproportionately in low-income, minority, or other communities to minimize the adverse effects of solid waste facilities on those communities; and

(3) On page 1, line 24, strike "cumulative".

(4) On page 2, strike lines 15-17 and substitute "communities".

(5) On page 4, strike lines 10-13 and substitute:

(11) an evaluation of the implementation of the state's policy of ensuring that new solid waste facilities are not located disproportionately in low-income, minority, or other communities and ensuring that the adverse effects of solid waste facilities on the communities in which they are located are minimized.

(6) Strike page 4, line 14, through page 7, line 7.

(7) On page 7, line 8, strike "7" and substitute "6".

(8) On page 7, strike line 12 and substitute: "operation of a facility in the local area in which other".

(9) On page 7, strike lines 16-19.

(10) On page 7, line 20, strike "(2) the combined" and substitute "(1) the".

(11) On page 7, line 22 strike "(3)" and substitute "(2)".

(12) On page 7, line 24, strike "(4)" and substitute "(3)".

(13) On page 7, line 25, strike "potential nuisances" and substitute "impacts".

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Jackson, Representative S. Turner offered the following committee amendment to **HB 2103**:

Amend **HB 2103** as follows:

(1) On page 8, between lines 9 and 10, insert:

SECTION 7. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.0695 to read as follows:

Sec. 361.0695. PUBLIC MEETING AND NOTICE FOR SOLID WASTE FACILITIES. (a) An applicant for a new facility that accepts municipal solid wastes shall hold a public meeting in the county in which the proposed facility is to be located. The meeting must be held before the 45th day after the application is filed.

(b) The applicant shall publish notice of the public meeting at least once each week during the three weeks preceding the meeting. The notice must be published in the newspaper of the largest general circulation that is published in the county in which the proposed facility is to be located. If a newspaper is not published in the county, the notice must be published in a newspaper of general circulation in the county.

(c) The applicant shall present to the commission an affidavit certifying that the notice was published as required by Subsection (b). The commission's acceptance of the affidavit raises a presumption that the applicant has complied with Subsection (b).

(d) The published notice may not be smaller than 96.8 square centimeters

or 15 square inches with the shortest dimension not less than 7.5 centimeters or 3 inches. The notice must contain at least the following information:

- (1) the permit application number;
- (2) the applicant's name;
- (3) the proposed location of the facility; and
- (4) the location and availability of copies of the application.

(e) The applicant shall pay the cost of the notice required under this section. The commission by rule may establish a procedure for payment of those costs.

(f) The meeting shall include a discussion of:

(1) the compatibility of the proposed facility with relevant state or regional solid waste management plans;

(2) other sites considered for the proposed facility and the process for selecting the site identified in the application;

(3) potential benefits to the local community of constructing the proposed facility including:

(A) employment opportunities and related job training to ensure that residents of the host community can compete for skilled and semiskilled employment at the facility;

(B) contributions by the facility to the community infrastructure including road maintenance, park development, and litter control;

(C) fair and reasonable compensation to owners of real property less than 2,640 feet from the facility for any decrease in the assessed value of the property attributable to the siting of the facility.

(4) effects the facility may have on local residents, places of worship, schools, day care centers, or surface water bodies used to supply public drinking water; and

(g) The applicant shall mail to the commission a report of the proceedings of the meeting, including summaries of the information discussed and input received at the meeting. The report must be postmarked not later than the 30th day after the date the meeting concludes.

(Davila, Madden, and Naishtat now present)

(Davis in the chair)

Amendment No. 3

Representative Puente offered the following amendment to Amendment No. 2:

Amend Committee Amendment No. 2 to **HB 2103**, as follows:

On page 3, line 4, add the following: "The applicant shall also publish notice at least once in a publication that is circulated in the area in which the facility is located or is proposed to be located and that is published in the primary language of any population group that:

(2) constitutes five percent or more of the population that resides one mile or less from the facility or proposed facility."

Amendment No. 3 was adopted without objection.

Amendment No. 2, as amended, was adopted without objection.

Amendment No. 4

Representatives Hamric and Hilbert offered the following amendment to **HB 2103**:

Amend **HB 2103** as follows:

(1) On page 4, between lines 13 and 14, insert:

SECTION _____. Section 361.069, Health and Safety Code, is amended to read as follows:

Sec. 361.069. DETERMINATION OF LAND USE COMPATIBILITY.

(a) The commission [in its discretion may], in processing a permit application, shall determine whether the facility is compatible with local land uses. In making the determination, the commission shall consider:

(1) the character of the land uses within one mile of the facility;

(2) the proximity of the facility to sensitive land uses, residences, schools, churches, cemeteries, historic structures and sites, and surface water and groundwater sources;

(3) growth trends in the area of the facility, including the direction of major development;

(4) the adequacy of roads in the area of the facility;

(5) the volume of existing and expected vehicular traffic on roads in the area of the facility; and

(6) the extent to which the facility will disrupt normal traffic patterns on roads in the area of the facility [make a separate determination on the question of land use compatibility, and, if the site location is acceptable, may at another time consider other technical matters concerning the application. A public hearing may be held for each determination in accordance with Section 361.088].

(b) In making a determination on the question of land use compatibility, the commission may [shall] not consider the position of a state or federal agency unless the position is fully supported by credible evidence from that agency during the public hearing.

(c) The commission shall adopt rules to implement this section.

(2) Renumber the sections of the bill appropriately.

(Speaker in the chair)

Representative Chisum moved to table Amendment No. 4.

(McReynolds now present)

A record vote was requested.

The motion to table was lost by (Record 440): 43 Yeas, 93 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Bosse; Chisum; Christian; Clark; Corte; Dukes; Dutton; Edwards; Eiland; Finnell; Flores; Galloway; Giddings; Glaze; Gutierrez; Hochberg; Hodge; Howard; Isett; Jones, D.; Jones, J.; Keffer; King; Krusee; Lewis, G.; Longoria; McClendon; McReynolds; Moffat; Moreno; Patterson; Pickett; Pitts; Price; Rangel; Solis; Talton; Telford; Turner, B.; Turner, S.; Van de Putte.

Nays — Alexander; Averitt; Bailey; Berlanga; Bonnen; Brimer; Burnam; Carter; Chavez; Cook; Counts; Crabb; Craddick; Cuellar; Danburg; Davila;

Davis; Denny; Driver; Dunnam; Ehrhardt; Elkins; Farrar; Garcia; Goodman; Goolsby; Gray; Grusendorf; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Holzheuser; Horn; Hunter; Hupp; Jackson; Janek; Kamel; Keel; Kuempel; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; Merritt; Mowery; Naishtat; Nixon; Oakley; Olivo; Palmer; Place; Puente; Rabuck; Ramsay; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Seaman; Serna; Shields; Siebert; Smith; Solomons; Staples; Stiles; Thompson; Tillery; Torres; Uher; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kubiak.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Sadler; Swinford.

Absent — Culberson; Greenberg; Oliveira; Smithee; Wolens.

STATEMENTS OF VOTE

When Record No. 440 was taken, I was in the house but away from my desk. I would have voted no.

Greenberg

When Record No. 440 was taken, I was in the house but away from my desk. I would have voted no.

Wolens

Amendment No. 4 was adopted without objection.

(Stiles in the chair)

A record vote was requested.

HB 2103, as amended, was passed to engrossment by (Record 441): 82 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Burnam; Carter; Chavez; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Denny; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Garcia; Giddings; Goodman; Gray; Greenberg; Gutierrez; Hamric; Hawley; Hernandez; Hightower; Hilbert; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Jones, D.; Jones, J.; Kamel; Lewis, G.; Longoria; Luna; Marchant; Maxey; McCall; McClendon; Mowery; Naishtat; Nixon; Oakley; Olivo; Patterson; Pickett; Place; Price; Puente; Rabuck; Ramsay; Reyna, A.; Rhodes; Serna; Solis; Solomons; Stiles(C); Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Williams; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Brimer; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Elkins; Finnell; Galloway; Glaze; Goolsby; Grusendorf; Haggerty; Hartnett; Heflin; Hilderbran; Hill; Howard; Hunter; Hupp; Isett; Jackson; Janek;

Keel; Keffer; King; Krusee; Kuempel; Lewis, R.; Madden; McReynolds; Merritt; Moffat; Palmer; Pitts; Rangel; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Staples; Talton; Telford; Turner, B.; Walker; West; Williamson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker.

Absent, Excused — Kubiak.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Sadler; Swinford.

Absent — Driver; Moreno; Oliveira; Raymond; Smithee.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 441. I intended to vote no.

Culberson

When Record No. 441 was taken, my vote failed to register. I would have voted yes.

Raymond

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

Eiland on motion of Patterson.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 3019 ON SECOND READING (by Allen)

CSHB 3019, A bill to be entitled An Act relating to permit exemptions under the Texas Clean Air Act for construction or modification of certain facilities.

CSHB 3019 was read second time on earlier today and was postponed until 7 p.m. today.

Amendment No. 1

Representative Bosse offered the following amendment to **CSHB 3019**:

Amend **CSHB 3019** by inserting at page 2, after line 12, new subsection (f) to read as follows:

(f) By June 1, 1998, the operator of each facility located in a county that does not meet the federal ambient air quality standard for ozone, that was in existence on or before September 1, 1971, that is operating without a construction permit issued by the commission, and which had greater than ten tons per year of non-biogenic air emissions according to the 1995 TNRCC Emissions Inventory, shall submit to the commission an air emissions reduction plan. This plan shall describe all economically feasible and technically

practicable steps that can be taken to reduce emissions of air pollutants from the facility. The plan shall set forth the estimated cost of each step, the amount of air emission reduction expected to be derived from each step, as well as either a schedule under which the operator intends to voluntarily undertake specific steps or a statement that the operator does not intend to voluntarily undertake steps to reduce air emissions. The commission shall review such plans and shall report to the Governor, Lieutenant Governor and the legislature by January 1, 1999 on the extent and timing of air emission reductions expected to be voluntarily achieved, the effect of such reductions on air quality, and make recommendations as to steps that should be required to further reduce air emissions from the facilities subject of this subsection. An air emission reduction plan prepared under this subsection is subject to disclosure under Chapter 552 of the Government Code. Failure to submit a plan as required by this subsection is a violation of this act, and is subject to enforcement action by the commission. Failure to implement voluntary steps to reduce air emissions pursuant to an air emissions reduction plan prepared under this subsection is not a violation of this act unless such steps are required by provisions other than this subsection. No air emission reduction plan shall be required in connection with any facility for which a plan of voluntary retirement or submission to permitting has been filed with the commission prior to the date that the air emission reduction plan is required to be filed.

Representative Chisum raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order.

The ruling precluded further consideration of the amendment.

(Eiland now present)

Amendment No. 2

Representative Burnam offered the following amendment to **CSHB 3019**:

Amend **CSHB 3019** as follows:

(1) On page 2, line 13, between "2." and "This", insert "(a)".

(2) On page 2, between line 13 and line 14, add Subsection (b) as follows:

"(b) The passage of this legislation shall not affect any applications in connection with a facility governed by Section 382.057, Health and Safety Code, if the application for standard exemption has been filed prior to September 1, 1997."

(Sadler now present)

Representative Allen moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 442): 96 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bonnen; Bosse; Brimer; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar;

Culberson; Denny; Driver; Dunnam; Eiland; Elkins; Finnell; Galloway; Glaze; Goodman; Goolsby; Gray; Grusendorf; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; King; Kuempel; Lewis, R.; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solomons; Staples; Talton; Telford; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wohlgemuth; Woolley; Zbranek.

Nays — Bailey; Berlanga; Burnam; Danburg; Davila; Davis; Dukes; Dutton; Edwards; Ehrhardt; Farrar; Flores; Garcia; Giddings; Greenberg; Gutierrez; Hernandez; Hirschi; Hochberg; Hodge; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Olivo; Raymond; Reyna, A.; Solis; Thompson; Tillery; Torres; Turner, S.; Wilson; Wise; Wolens; Yarbrough.

Present, not voting — Mr. Speaker; Stiles(C).

Absent, Excused — Kubiak.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Alvarado; Krusee; Oakley; Oliveira.

Representative Burnam raised a point of order against further consideration of **CSHB 3019** under Rule 4, Section 32(c)(4) and Rule 4, Section 32(b)(9) of the House Rules on the grounds that the rulemaking authority statement in the bill analysis is not accurate and the summary of committee action is not accurate.

The chair overruled the point of order.

A record vote was requested.

CSHB 3019 was passed to engrossment by (Record 443): 98 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bonnen; Bosse; Brimer; Carter; Christian; Clark; Cook; Corte; Crabb; Craddick; Cuellar; Culberson; Denny; Driver; Dunnam; Eiland; Finnell; Flores; Galloway; Garcia; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; King; Krusee; Kuempel; Lewis, R.; Madden; Marchant; McCall; McClendon; McReynolds; Merritt; Moffat; Mowery; Nixon; Oakley; Oliveira; Palmer; Patterson; Pitts; Place; Price; Rabuck; Ramsay; Reyna, E.; Rhodes; Roman; Seaman; Serna; Shields; Siebert; Smithee; Solomons; Staples; Talton; Telford; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Bailey; Berlanga; Burnam; Chavez; Chisum; Counts; Davila; Davis; Dukes; Dutton; Ehrhardt; Farrar; Giddings; Hernandez; Hirschi;

Hochberg; Hodge; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; Moreno; Naishtat; Olivo; Pickett; Puente; Rangel; Raymond; Reyna, A.; Sadler; Solis; Thompson; Tillery; Turner, S.; Wilson; Wise.

Present, not voting — Mr. Speaker; Stiles(C).

Absent, Excused — Kubiak.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Alvarado; Danburg; Edwards; Elkins; Keffer; Smith.

STATEMENTS OF VOTE

I was shown voting no on Record No. 443. I intended to vote yes.

Chisum

I was shown voting no on Record No. 443. I intended to vote yes.

Counts

I was shown voting yes on Record No. 443. I intended to vote no.

Greenberg

When Record No. 443 was taken, I was in the house but away from my desk. I would have voted yes.

Keffer

I was shown voting yes on Record No. 443. I intended to vote no.

Serna

SB 1899 ON SECOND READING (Zbranek - House Sponsor)

SB 1899, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Pine Island Bayou Stormwater Control District; granting the authority to issue bonds and impose taxes; granting the power of eminent domain.

SB 1899 was considered in lieu of **CSHB 3546**.

SB 1899 was read second time.

Amendment No. 1

Representative Zbranek offered the following amendment to **SB 1899**:

Amend **SB 1899** in SECTION 12 of the bill by striking Subsection (f) and appropriately redesignating subsequent subsections of that SECTION of the bill.

Amendment No. 1 was adopted without objection.

SB 1899, as amended, was passed to third reading. (Cook and Maxey recorded voting no)

CSHB 3546 - LAID ON THE TABLE SUBJECT TO CALL

Representative Zbranek moved to lay **CSHB 3546** on the table subject to call.

The motion prevailed without objection.

CSHB 3428 ON SECOND READING
(by Naishtat, Davila, et al.)

CSHB 3428, A bill to be entitled An Act relating to financial assistance and related services for victims of family violence.

CSHB 3428 was read second time earlier today and was postponed until 7:30 p.m. today.

Amendment No. 1

Representative Naishtat offered the following amendment to **CSHB 3428**:

Amend **CSHB 3428** as follows:

- (1) On page 1, between lines 14 and 15, insert the following:
(1) adversely affect the individual's ability to attain financial independence;
- (2) On page 1, line 15, strike "(1)" and substitute "(2)".
- (3) On page 1, line 16, after the semicolon, insert "or".
- (4) On page 1, strike lines 17-19.
- (5) On page 2, line 1, strike "the individual's" and substitute "an individual's".
- (6) On page 2, strike lines 5-7 and substitute the following:
(3) the appropriate agency shall refer an individual to a family violence program if necessary for assistance in developing a safety plan to protect the individual from further family violence; and
- (7) On page 2, between lines 24 and 25, insert the following:
SECTION 2. (a) The Texas Department of Human Services, using an independent research group, shall conduct a study using existing department funds to:
 - (1) develop a process or instrument to be used by the department, the Texas Workforce Commission, and the Title IV-D agency in identifying pertinent characteristics of individuals who are victims of family violence; and
 - (2) identify services that provide the greatest assistance to victims of family violence in attaining financial independence.
- (b) In this section, "Title IV-D agency" has the meaning assigned by Section 101.033, Family Code.
- (8) Renumber the subsequent SECTIONS of the bill appropriately.

Amendment No. 1 was adopted without objection.

CSHB 3428, as amended, was passed to engrossment. (Heflin and Horn recorded voting no)

CSHB 2055 ON SECOND READING
(by Maxey)

CSHB 2055, A bill to be entitled An Act relating to prepaid higher education tuition scholarships for needy students.

CSHB 2055 was read second time on May 6, postponed until May 9, and was again postponed until 8 p.m. today.

Representative Maxey moved to postpone consideration of **CSHB 2055** until 10 p.m. today.

The motion prevailed without objection.

SB 1248 ON SECOND READING
(Coleman - House Sponsor)

SB 1248, A bill to be entitled An Act relating to intermediate care facilities for the mentally retarded; imposing civil and criminal penalties.

SB 1248 was considered in lieu of **CSHB 1787**.

SB 1248 was read second time and was passed to third reading.

CSHB 1787 - LAID ON THE TABLE SUBJECT TO CALL

Representative Maxey moved to lay **CSHB 1787** on the table subject to call.

The motion prevailed without objection.

MAJOR STATE CALENDAR
(consideration continued)

CSHB 1437 ON SECOND READING
(by Carter, et al.)

CSHB 1437, A bill to be entitled An Act relating to the creation of an emergency telephone call box system for highway users in this state.

(Swinford now present)

Amendment No. 1

Representatives Dutton and Swinford offered the following amendment to **CSHB 1437**:

Amend **CSHB 1437**, in Section 1 of the bill, proposed Section 226.009(c), Transportation Code, on page 5, at the end of line 4, by adding:

"An insurer may not impose an assessment on a policy holder to recoup the fee imposed under this section."

Amendment No. 1 was adopted without objection.

A record vote was requested.

CSHB 1437, as amended, failed to pass to engrossment by (Record 444): 38 Yeas, 94 Nays, 3 Present, not voting.

Yeas — Averitt; Carter; Chavez; Cuellar; Danburg; Davis; Dukes; Dutton; Edwards; Ehrhardt; Farrar; Giddings; Glaze; Goodman; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hodge; Hunter; Jones, D.; Jones, J.; Kamel; Keel; Lewis, R.; Longoria; Maxey; Price; Raymond; Reyna, A.; Serna; Solis; Telford; Thompson; Turner, B.; Van de Putte.

Nays — Alexander; Allen; Alvarado; Bailey; Berlanga; Bonnen; Bosse; Burnam; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Culberson; Davila; Denny; Driver; Dunnam; Eiland; Elkins; Finnell; Flores; Gallaway; Garcia; Goolsby; Greenberg; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzhauser; Horn; Howard; Hupp; Isett;

Jackson; Janek; Keffer; King; Krusee; Kuempel; Lewis, G.; Luna; Madden; Marchant; McCall; McReynolds; Merritt; Moffat; Moreno; Mowery; Nixon; Oakley; Olivo; Palmer; Patterson; Pickett; Pitts; Puente; Rabuck; Rangel; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Tillery; Torres; Turner, S.; Uher; Walker; West; Williams; Williamson; Wise; Wohlgemuth; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Gray; Stiles(C).

Absent, Excused — Kubiak.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell.

Absent — Brimer; Hochberg; McClendon; Naishtat; Oliveira; Place; Ramsay; Wilson; Wolens.

(Delisi and Junell now present)

STATEMENTS OF VOTE

I was shown voting yes on Record No. 444. I intended to vote no.

Cuellar

I was shown voting present, not voting on Record No. 444. I intended to vote yes.

Gray

I was shown voting yes on Record No. 444. I intended to vote no.

Hunter

When Record No. 444 was taken, my vote failed to register. I would have voted yes.

McClendon

When Record No. 444 was taken, I was in the house but away from my desk. I would have voted no.

Place

I was shown voting yes on Record No. 444. I intended to vote no.

Serna

HB 2169 ON SECOND READING (by Kubiak and Longoria)

HB 2169, A bill to be entitled An Act relating to the liability of emergency service organizations.

Amendment No. 1

Representative Longoria offered the following amendment to **HB 2169**:

Amend **HB 2169** as follows:

(1) Add a new section to the bill, appropriately numbered, as follows:

SECTION _____. Section 4(b), Article 21.61, Insurance Code, is amended to read as follows:

(b) The coverage may indemnify an official, employee, member, or volunteer of a volunteer fire department for liability arising from the use of a covered motor vehicle in the performance of the fire fighting duties of the official, employee, member, or volunteer. The coverage must be subject to a maximum limit of \$100,000 for each person and \$300,000 for each single occurrence [damages] for bodily injury or [,] death and \$100,000 for each single occurrence for injury to or destruction of [, or] property [damage arising out of a single occurrence].

(2) In the transition material in the bill, add a new section, appropriately numbered, as follows:

SECTION _____. The change in law made by this Act to Section 4(b), Article 21.61, Insurance Code, applies only to an insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 1998. A policy that is delivered, issued for delivery, or renewed before January 1, 1998, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for this purpose.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 1)

On behalf of Representative Nixon, Representative Longoria offered the following committee amendment to **HB 2169**:

Amend **HB 2169** as follows:

On page 1, line 12, between "or" and the comma, strike "171.082" and substitute "171.083".

Amendment No. 2 was adopted without objection.

HB 2169, as amended, was passed to engrossment.

HB 2887 ON SECOND READING (by Dutton)

HB 2887, A bill to be entitled An Act relating to promotional or educational activities of title insurance entities.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Smithee, Representative Dutton offered the following committee amendment to **HB 2887**:

Amend the quoted Section F of Section 2 of **HB 2887** by deleting the remainder of the Section following the word "Article." at page 2, line 15.

Amendment No. 1 was adopted without objection.

HB 2887, as amended, was passed to engrossment.

CSHB 3339 ON SECOND READING (by Hilbert)

CSHB 3339, A bill to be entitled An Act relating to dismissal of a condemnation proceeding.

Amendment No. 1

Representative Hilbert offered the following amendment to **CSHB 3339**:

Amend **CSHB 3339** as follows:

(1) On page 1 of the bill, between lines 3 and 4, insert the following and renumber subsequent sections of the bill accordingly:

SECTION 1. Section 21.017, Property Code, is amended by adding Subsections (c)-(e) to read as follows:

"(c) A party who pleads in the alternative may not enter or use the property that is the subject of the proceeding without written permission of the adverse party until the court determines that the party who pleads in the alternative has acquired the rights necessary to enter and use the property for a public purpose.

(d) If the court determines that a party described by Subsection (a) does not own all of the necessary property interests in the property, the court shall award the property owner the damages and expenses provided in Section 21.019, including:

(1) any trespass damages caused by the party's wrongful possession and use of the property; and

(2) all reasonable expenses, including reasonable and necessary attorney's fees.

(e) This section does not apply to a party described by Subsection (a) that has acquired an interest in property, but has in good faith constructed an improvement on property outside the boundaries of the property the party has acquired."

(2) On page 1 of the bill, line 17, strike "a" and substitute "any".

(3) On page 1 of the bill, line 22, between "owner" and the comma, insert "in the use of the property affected by the condemnation".

(4) On page 2, strike line 10, and substitute the following:

"SECTION 2. (a) The changes in law made by Section 21.017(c)-(e), Property Code, as added by this Act, apply to any pending suit on the effective date of this Act and any suit filed after the effective date of this Act.

(b) The changes in law made by Section 21.019, Property Code, as amended by this Act, apply only to".

Amendment No. 1 was adopted without objection.

CSHB 3339, as amended, was passed to engrossment.

CSHB 2037 ON SECOND READING
(by R. Lewis)

CSHB 2037, A bill to be entitled An Act relating to discontinuing boat and outboard motor franchise agreements.

Amendment No. 1

Representative R. Lewis offered the following amendment to **CSHB 2037**:

Amend **CSHB 2037** by striking Section 1 and substituting the following:

Section 1. Section 3, Chapter 479, Acts of the 72nd Legislature, Regular Session, 1991 (Article 8911, Vernon's Texas Civil Statutes), is amended by adding new Subsections (q), (r), and (s) as follows:

(q) Nonrenewal of an agreement by any party shall require a 60 day written notice of nonrenewal by the party choosing not to renew. If nonrenewal of a contract is by the manufacturer or distributor or outboard motor purchased from the manufacturer or distributor, the manufacturer or distributor shall repurchase on written demand from the dealer not later than 60 days after nonrenewal:

(1) Any new, unsold, retailable, undamaged and complete boat, with accessories and packaged trailers sold with the boat by the manufacturer or distributor within the one-year period before the date of nonrenewal, in the dealer's inventory, at dealer's invoiced cost, less all allowances paid to the dealer; and

(2) Any new, current, unsold, undamaged, and unused parts or accessories for boats or outboard motors, in the original resalable merchandising package purchased by the dealer from the manufacturer or distributor or dealer's invoiced cost.

(r) The dealer shall provide the manufacturer or distributor with a complete list of all items listed in Subsection (q) of this section that are to be repurchased. The manufacturer or distributor shall have a reasonable time to complete the repurchase. The manufacturer's and distributor's repurchase obligation extends only to property that is free and clear of any lien or encumbrance.

(s) If the dealer chooses not to renew an agreement the manufacturer or distributor is not required to the buy back provisions in Section (q).

(Speaker in the chair)

Representative Grusendorf raised a point of order against further consideration of **CSHB 2037** under Rule 4, Sections 16 and 18(a)(3) of the House Rules on the grounds that the minutes of the Calendars Committee do not reflect that the bill was placed on the calendar.

The speaker sustained the point of order.

The bill was returned to the Committee on Calendars.

CSHB 3453 ON SECOND READING **(by Gutierrez, West, Danburg, et al.)**

CSHB 3453, A bill to be entitled An Act relating to the method of providing evidence of financial responsibility for vehicle operation; providing administrative and criminal penalties.

Representative Corte raised a point of order against further consideration of **CSHB 3453** under Rule 4, Sections 16 and 18(a)(3) of the House Rules on the grounds that the minutes of the Calendars Committee do not reflect that the bill was placed on the calendar.

The speaker sustained the point of order.

The bill was returned to the Committee on Calendars.

CSHB 2837 ON SECOND READING **(by Thompson)**

CSHB 2837, A bill to be entitled An Act relating to certain filing fees and salaries of judges in the statutory county courts of certain counties.

(Gallego now present)

Amendment No. 1

Representative Thompson offered the following amendment to **CSHB 2837**:

Amend **CSHB 2837** as follows:

(1) On page 1, lines 5-24, strike Section 1 of the bill and substitute the following:

SECTION 1. Sections 25.0005(a) and (e), Government Code, are amended to read as follows:

(a) A statutory county court judge, other than a statutory county court judge who engages in the private practice of law or a judge in whose court fees and costs under Section 51.702 are not collected, shall be paid a total annual salary set by the commissioners court at an amount that is at least equal to the amount that is \$4,000 [~~\$1,000~~] less than the total annual salary received by a district judge in the county. A district judge's or statutory county court judge's total annual salary includes contributions and supplements, paid by the state or a county, other than contributions received as compensation under Section 74.051.

(e) A county is not required to meet the salary requirements of Subsection (a) for a particular court if:

(1) not later than September 1 of the year in which the county initially begins collecting fees and costs under Section 51.702, the county increases the salary of each statutory county court judge in the county to an amount that is at least:

(A) \$20,000 more than the salary the judge was entitled to on May 1 of that year, if the county initially begins collecting fees and costs under Section 51.702 before January 1, 1998, and is also at least \$24,000 more than the salary the judge was entitled to on May 1, 1997; and

(B) \$24,000 more than the salary the judge was entitled to on May 1 of that year if the county initially begins collecting fees and costs under Section 51.702 on or after January 1, 1998;

(2) the county maintains the salary at the minimum required by Subdivision (1);

(3) the county collects the fees and costs as provided by Section 51.702;

(4) the court has at least the jurisdiction provided by Section 25.0003; and

(5) except as provided by Subsection (f), the county uses at least 50 percent of the amount the county receives each state fiscal year under Section 25.0016 for salaries for the statutory county court judges.

(2) On page 3, lines 2-13, strike Sections 5 and 6 and substitute the following:

SECTION 5. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 1997, and applies only to a fee for a case filed on or after the effective date of this Act or to a salary payment made on or after the effective date of this Act. A case filed or a salary payment made before the effective date of this Act is governed by the law in effect at the time the case was filed or the salary payment was made, and that law is continued in effect for that purpose.

(b) Section 1 of this Act takes effect January 1, 1998.

SECTION 6. This Act takes effect only if Senate Bill No. 310, Acts of the 75th Legislature, Regular Session, 1997, is enacted and becomes law. If Senate Bill No. 310 does not become law, this Act does not take effect.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

Amendment No. 1 was adopted without objection.

CSHB 2837, as amended, was passed to engrossment. (Finnell and Keel recorded voting no)

HB 3544 ON SECOND READING
(by Thompson)

HB 3544, A bill to be entitled An Act relating to the justice of the peace courts of Harris County.

Amendment No. 1

Representative Hilbert offered the following amendment to **HB 3544**:

Amend **HB 3544** on page 1, line 24 through page 2, line 1, by striking the proposed Subsection (h) and substituting as follows:

(h) A local rule may be adopted only by the unanimous vote of all 16 justices of the peace.

Amendment No. 1 was adopted without objection.

HB 3544, as amended, was passed to engrossment.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

CSHB 2055 ON SECOND READING
(by Maxey)

CSHB 2055, A bill to be entitled An Act relating to prepaid higher education tuition scholarships for needy students.

CSHB 2055 was read second time on May 6, postponed until May 9, postponed until 8 p.m. today, and was again postponed until 10 p.m. today.

Representative Maxey moved to postpone consideration of **CSHB 2055** until after **HB 2435**.

The motion prevailed without objection.

MAJOR STATE CALENDAR
(consideration continued)

HB 1465 ON SECOND READING
(by Haggerty)

HB 1465, A bill to be entitled An Act relating to the regulation of staff leasing services companies; providing penalties.

HB 1465 was passed to engrossment.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 2396 ON THIRD READING
(by Finnell, Howard, et al.)**

HB 2396, A bill to be entitled An Act relating to the prevention of horse theft.

HB 2396 was passed.

**HB 2516 ON THIRD READING
(by Chavez)**

HB 2516, A bill to be entitled An Act relating to the prosecution and punishment of the offense of disorderly conduct.

HB 2516 was passed.

**HB 2650 ON THIRD READING
(by Hamric)**

HB 2650, A bill to be entitled An Act relating to the application of certain statutes of limitation and statutes relating to the revival or survival of a cause of action to hospital districts.

HB 2650 was passed.

**HB 2328 ON THIRD READING
(by S. Turner)**

HB 2328, A bill to be entitled An Act relating to an exception to the open meetings law for certain deliberations of the board of a hospital district.

HB 2328 was passed.

**HB 951 ON THIRD READING
(by S. Turner)**

HB 951, A bill to be entitled An Act relating to the Texas open records law.

Amendment No. 1

Representative Puente offered the following amendment to **HB 951**:

Amend **HB 951** by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Section 552.108, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The exceptions in Subsections (a) and (b) apply only to open files.

Amendment No. 1 was withdrawn.

HB 951 was passed.

HB 1055 ON THIRD READING
(by Tillery, et al.)

HB 1055, A bill to be entitled An Act relating to denial of a driver's license to a juvenile for failure to appear in court or pay a fine in connection with a misdemeanor.

HB 1055 was passed.

HB 3412 ON THIRD READING
(by Place)

HB 3412, A bill to be entitled An Act relating to the regulation of corporate sureties that write bail bonds.

HB 3412 was passed.

HB 1756 ON THIRD READING
(by Telford)

HB 1756, A bill to be entitled An Act relating to the liability of Texas Youth Commission volunteers.

HB 1756 was passed.

HB 1507 ON THIRD READING
(by Dutton)

HB 1507, A bill to be entitled An Act relating to limiting the liability of certain persons involved in an issuance of securities by a small business.

HB 1507 was passed.

HB 2273 ON THIRD READING
(by Thompson)

HB 2273, A bill to be entitled An Act relating to certain duties of court clerks.

HB 2273 was passed.

HB 2981 ON THIRD READING
(by Junell)

HB 2981, A bill to be entitled An Act relating to notice to a payee of a change in the payor of oil or gas proceeds.

HB 2981 was passed.

HB 3244 ON THIRD READING
(by Gray)

HB 3244, A bill to be entitled An Act relating to the efficient use of services and facilities for adult offenders determined to have alcohol or drug abuse problems.

HB 3244 was passed.

HB 2383 ON THIRD READING
(by Hochberg)

HB 2383, A bill to be entitled An Act relating to the qualification of a nonprofit charitable or religious organization, school, or youth association for an exemption from ad valorem taxation.

Amendment No. 1

Representative West offered the following amendment to **HB 2383**:

Amend **HB 2383** as follows:

Insert the following as Section 2, and renumber subsequent sections accordingly:

SECTION 2. Sections 11.18(d) and (e), Tax Code, are amended to read as follows:

(d) A charitable organization must be organized exclusively to perform religious, charitable, scientific, literary, or educational purposes and, except as permitted by Subsection (h) of this section, engage exclusively in performing one or more of the following charitable functions:

(1) providing medical care without regard to the beneficiaries' ability to pay, which in the case of a nonprofit hospital or hospital system means providing charity care and community benefits as set forth in Paragraph (A), (B), (C), (D), (E), (F), (G), or (H):

(A) charity care and government-sponsored indigent health care are provided at a level which is reasonable in relation to the community needs, as determined through the community needs assessment, the available resources of the hospital or hospital system, and the tax-exempt benefits received by the hospital or hospital system;

(B) charity care and government-sponsored indigent health care are provided in an amount equal to at least four percent of the hospital's or hospital system's net patient revenue;

(C) charity care and government-sponsored indigent health care are provided in an amount equal to at least 100 percent of the hospital's or hospital system's tax-exempt benefits, excluding federal income tax;

(D) a nonprofit hospital that has been designated as a disproportionate share hospital under the state Medicaid program in the current year or in either of the previous two fiscal years shall be considered to have provided a reasonable amount of charity care and government-sponsored indigent health care and shall be deemed in compliance with the standards in this subsection;

(E) for tax years before 1996, charity care and community benefits are provided in a combined amount equal to at least five percent of the hospital's or hospital system's net patient revenue, provided that charity care and government-sponsored indigent health care are provided in an amount equal to at least three percent of net patient revenue;

(F) beginning with the hospital's or hospital system's tax year starting after 1995, charity care and community benefits are provided in a combined amount equal to at least five percent of the hospital's or hospital system's net patient revenue, provided that charity care and government-sponsored indigent health care are provided in an amount equal to at least four percent of net patient revenue;

(G) a hospital operated on a nonprofit basis that is located in a county with a population of less than 50,000 and in which the entire county or the population of the entire county has been designated as a health professionals shortage area is considered to be in compliance with the standards provided by this subsection; or

(H) a hospital providing health care services to inpatients or outpatients without receiving any payment for providing those services from any source, including the patient or person legally obligated to support the patient, third-party payors, Medicare, Medicaid, or any other state or local indigent care program but excluding charitable donations, legacies, bequests, or grants or payments for research, is considered to be in compliance with the standards provided by this subsection;

(2) providing support or relief to orphans, delinquent, dependent, or handicapped children in need of residential care, abused or battered spouses or children in need of temporary shelter, the impoverished, or victims of natural disaster without regard to the beneficiaries' ability to pay;

(3) providing support to elderly persons or the handicapped without regard to the beneficiaries' ability to pay;

(4) preserving a historical landmark or site;

(5) promoting or operating a museum, zoo, library, theater of the dramatic or performing arts, or symphony orchestra or choir;

(6) promoting or providing humane treatment of animals;

(7) acquiring, storing, transporting, selling, or distributing water for public use;

(8) answering fire alarms and extinguishing fires with no compensation or only nominal compensation to the members of the organization;

(9) promoting the athletic development of boys or girls under the age of 18 years;

(10) preserving or conserving wildlife;

(11) promoting educational development through loans or scholarships to students;

(12) providing halfway house services pursuant to a certification as a halfway house by the board of Pardons and Paroles;

(13) providing permanent housing and related social, health care, and educational facilities for persons who are 62 years of age or older without regard to the residents' ability to pay;

(14) promoting or operating an art gallery, museum, or collection, in a permanent location or on tour, that is open to the public;

(15) providing for the organized solicitation and collection for distributions through gifts, grants, and agreements to nonprofit charitable, education, religious, and youth organizations that provide direct human, health, and welfare services;

(16) performing biomedical or scientific research or biomedical or scientific education for the benefit of the public; [or]

(17) operating a television station that produces or broadcasts educational, cultural, or other public interest programming and that receives grants from the Corporation for Public Broadcasting under 47 U.S.C. Section 396; or

(18) providing housing for low-income and moderate-income families, for unmarried individuals 62 years of age or older, for handicapped individuals, and for families displaced by urban renewal, through the use of trust assets that are irrevocably and, pursuant to a contract entered into before December 31, 1972, contractually dedicated on the sale or disposition of the housing to a charitable organization that performs charitable functions described by Subdivision (9).

For purposes of satisfying Paragraph (F) of Subdivision (1), a hospital or hospital system may not change its existing fiscal year unless the hospital or hospital system changes its ownership or corporate structure as a result of a sale or merger.

For purposes of this subsection, a hospital that satisfies Paragraph (A), (D), (G), or (H) of Subdivision (1) shall be excluded in determining a hospital system's compliance with the standards provided by Paragraph (B), (C), (E), or (F) of Subdivision (1).

For purposes of this subsection, the terms "charity care," "government-sponsored indigent health care," "health care organization," "hospital system," "net patient revenue," "nonprofit hospital," and "tax-exempt benefits" have the meaning set forth in Sections 311.031 and 311.042, Health and Safety Code. A determination of the amount of community benefits and charity care and government-sponsored indigent health care provided by a hospital or hospital system and the hospital's or hospital system's compliance with the requirements of Section 311.045, Health and Safety Code, shall be based on the most recently completed and audited prior fiscal year of the hospital or hospital system.

The providing of charity care and government-sponsored indigent health care in accordance with Paragraph (a) of Subdivision (1) shall be guided by the prudent business judgment of the hospital which will ultimately determine the appropriate level of charity care and government-sponsored indigent health care based on the community needs, the available resources of the hospital, the tax-exempt benefits received by the hospital, and other factors that may be unique to the hospital, such as the hospital's volume of Medicare and Medicaid patients. These criteria shall not be determinative factors, but shall be guidelines contributing to the hospital's decision along with other factors which may be unique to the hospital. The formulas contained in Paragraphs (B), (C), (E), and (F) of Subdivision (1) shall also not be considered determinative of a reasonable amount of charity care and government-sponsored indigent health care.

The requirements of this subsection shall not apply to the extent a hospital or hospital system demonstrates that reductions in the amount of community benefits, charity care, and government-sponsored indigent health care are necessary to maintain financial reserves at a level required by a bond covenant, are necessary to prevent the hospital or hospital system from endangering its ability to continue operations, or if the hospital or hospital system, as a result of a natural or other disaster, is required substantially to curtail its operations.

In any fiscal year that a hospital or hospital system, through unintended miscalculation, fails to meet any of the standards in Subdivision (1), the hospital or hospital system shall not lose its tax-exempt status without the opportunity to cure the miscalculation in the fiscal year following the fiscal year the failure is discovered by both meeting one of the standards and providing an additional

amount of charity care and government-sponsored indigent health care that is equal to the shortfall from the previous fiscal year. A hospital or hospital system may apply this provision only once every five years.

(e) A charitable organization must be operated in a way that does not result in accrual of distributable profits, realization of private gain resulting from payment of compensation in excess of a reasonable allowance for salary or other compensation for services rendered, or realization of any other form of private gain and, if the organization performs one or more of the charitable functions specified by Subsection (d) of this section other than a function specified in Subdivision (1), (2), (8), (9), (12), [or] (16), or (18), be organized as a nonprofit corporation as defined by the Texas Non-Profit Corporation Act.

(Coleman now present)

Amendment No. 1 failed of adoption.

HB 2383 was passed.

HB 2435 ON THIRD READING

(by Keel)

HB 2435, A bill to be entitled An Act relating to the offense of money laundering.

HB 2435 was passed.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

CSHB 2055 ON SECOND READING

(by Maxey)

CSHB 2055, A bill to be entitled An Act relating to prepaid higher education tuition scholarships for needy students.

CSHB 2055 was read second time on May 6, postponed until May 9, postponed until 8 p.m. today, postponed until 10 p.m., and was again postponed until this time.

Representative Maxey moved to postpone consideration of **CSHB 2055** until 11 p.m. today.

The motion prevailed without objection.

GENERAL STATE CALENDAR

HOUSE BILLS

SECOND READING

The following bills were laid before the house and read second time:

CSHB 1693 ON SECOND READING

(by Hinojosa)

CSHB 1693, A bill to be entitled An Act relating to authorizing the state jail division of the Texas Department of Criminal Justice to house county jail inmates in a state jail felony facility.

CSHB 1693 was passed to engrossment.

CSHB 1574 ON SECOND READING
(by Hodge, et al.)

CSHB 1574, A bill to be entitled An Act relating to the right of an employee to inspect the personnel records regarding that employee; providing a penalty.

(Gallego in the chair)

Amendment No. 1

Representative Chisum offered the following amendment to **CSHB 1574**:

Amend **CSHB 1574** on page 3, after line 27, by inserting the following:

Sec. 104.010. APPLICABILITY. This chapter does not apply to a private employer with 50 or fewer employees.

Sec. 104.011. CIVIL LIABILITY. A private employer who does not keep records as provided by this chapter is not civilly liable under this chapter.

Amendment No. 1 was adopted without objection.

A record vote was requested.

CSHB 1574, as amended, failed to pass to engrossment by (Record 445): 66 Yeas, 72 Nays, 2 Present, not voting.

Yeas — Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Chisum; Clark; Coleman; Cook; Counts; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Galloway; Garcia; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Olivo; Pickett; Price; Puente; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bonnen; Brimer; Carter; Christian; Corte; Crabb; Craddick; Cuellar; Culberson; Delisi; Denny; Driver; Elkins; Finnell; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Junell; Kamel; Keel; Keffer; King; Krusee; Kuempel; Lewis, R.; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Patterson; Pitts; Rabuck; Ramsay; Reyna, E.; Seaman; Shields; Siebert; Smith; Solomons; Staples; Stiles; Swinford; Talton; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Gallego(C).

Absent, Excused — Kubiak.

Absent — Alexander; Danburg; Oliveira; Place; Roman; Smithee; Thompson; Wilson.

(Speaker in the chair)

CSHB 1292 ON SECOND READING
(by Solomons)

CSHB 1292, A bill to be entitled An Act relating to the custody of certain children who commit traffic or other offenses punishable by fine only.

CSHB 1292 was passed to engrossment.

CSHB 1620 ON SECOND READING
(by Pickett and Gallego)

CSHB 1620, A bill to be entitled An Act relating to a deposition taken in a criminal case.

CSHB 1620 failed to pass to engrossment.

CSHB 998 ON SECOND READING
(by Hunter)

CSHB 998, A bill to be entitled An Act relating to the conflict-of-interests prohibition applying to a local official who has a substantial interest in a business entity.

Amendment No. 1

Representatives Goodman and Krusee offered the following amendment to **CSHB 998**:

Amend **CSHB 998** as follows:

At page 1, lines 9-12 strike subdivision (1) and substitute a new subdivision (1) to read as follows:

(1) the person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or \$15,000 ~~\$5,000~~ or more of the fair market value of the business entity; or

Amendment No. 1 was adopted without objection.

CSHB 998, as amended, was passed to engrossment.

CSHB 1726 ON SECOND READING
(by Hirschi)

CSHB 1726, A bill to be entitled An Act relating to an integrated pest management program at an institution of higher education or school district.

CSHB 1726 was passed to engrossment.

HB 2250 ON SECOND READING
(by Wise and Greenberg)

HB 2250, A bill to be entitled An Act relating to child protective services provided by the Department of Protective and Regulatory Services.

Amendment No. 1

Representative Wise offered the following amendment to **HB 2250**:

Amend **HB 2250** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 261.105(a), Family Code, is amended to read as follows:

(a) All reports received by a local or state law enforcement agency that allege abuse or neglect by a person responsible for a child's care, custody, or welfare shall be referred immediately to the department or the designated agency.

SECTION 2. Section 261.301(a), Family Code, is amended to read as follows:

(a) With assistance from the appropriate state or local law enforcement agency, the [The] department or designated agency shall make a prompt and thorough investigation of a report of child abuse or neglect allegedly committed by a person responsible for a child's care, custody, or welfare.

SECTION 3. Section 411.114, Government Code, is amended to read as follows:

Sec. 411.114. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES. (a)(1) In this subsection the terms "child," "child-care facility," and "family home" have the meanings assigned by Section 42.002, Human Resources Code.

(2) The Department of Protective and Regulatory Services shall [~~is entitled to~~] obtain from the department criminal history record information maintained by the department that relates to a person who is:

(A) an applicant for a license, registration, or certification under Chapter 42, Human Resources Code;

(B) an owner or employee of or an applicant for employment by a child-care facility or family home licensed, registered, or certified under that chapter;

(C) a resident of a registered family home, but not a child in the home's care or a parent of the child;

(D) an applicant for a position with the Department of Protective and Regulatory Services, the duties of which include direct delivery of protective services to children, elderly persons, or persons with a disability;

(E) [~~a volunteer or applicant volunteer with a local affiliate in this state of Big Brothers/Big Sisters of America;~~

[~~(F) a volunteer or applicant volunteer with the "I Have a Dream/Houston" program;~~

[~~(G)~~] an employee of, an applicant for employment with, or a volunteer or an applicant volunteer with a business entity or person that contracts with the Department of Protective and Regulatory Services to provide direct delivery of protective services to children, elderly persons, or persons with a disability, if the person's duties or responsibilities include direct contact with children, elderly persons, or persons with a disability;

(F) [~~(H)~~] a volunteer or applicant volunteer with the Department of Protective and Regulatory Services;

(G) [~~(I) a volunteer or applicant volunteer with an organization that provides court-appointed special advocates for abused or neglected children;~~

[~~(J)~~] a person providing or applying to provide adoptive or foster care for children in the care of the Department of Protective and Regulatory Services and other adults living with that person in the residence in which the child will reside;

(H) [~~(K)~~] a Department of Protective and Regulatory Services employee who is engaged in the direct delivery of protective services to children, elderly persons, or persons with a disability;

(I) ~~[(L)]~~ a person who is the subject of a report the department receives alleging that the person has abused or neglected a child, an elderly person, or a person with a disability, provided that report has proven to have merit;

(J) ~~[(M)]~~ a relative providing or applying to provide in-home care for a child in the care of the Department of Protective and Regulatory Services and other adults living with that relative in the residence in which the child will reside; or

(K) ~~[(N)]~~ a person providing child care for a child who is in the care of the Department of Protective and Regulatory Services and who is or will be receiving adoptive, foster, or in-home care[;]

~~[(O) a person providing, at the request of the child's parent, in-home care for a child who is the subject of a report alleging the child has been abused or neglected; or~~

~~[(P) a volunteer or applicant volunteer with a Texas chapter of the Make-a-Wish Foundation of America].~~

(3) The Department of Protective and Regulatory Services is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(A) a volunteer or applicant volunteer with a local affiliate in this state of Big Brothers/Big Sisters of America;

(B) a volunteer or applicant volunteer with the "I Have a Dream/Houston" program;

(C) a volunteer or applicant volunteer with an organization that provides court-appointed special advocates for abused or neglected children;

(D) a person providing, at the request of the child's parent, in-home care for a child who is the subject of a report alleging the child has been abused or neglected;

(E) a volunteer or applicant volunteer with a Texas chapter of the Make-a-Wish Foundation of America; or

(F) a person providing, at the request of the child's parent, in-home care for a child only if the person gives written consent to the release and disclosure of the information.

(4) Subject to Section 411.087, the department shall:

(A) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subdivision (2); or

(B) obtain from any other criminal justice agency in this state criminal history record information maintained by that criminal justice agency that relates to a person described by Subdivision (2).

(5) The Department of Protective and Regulatory Services may not use the authority granted under this section to harass an employee or volunteer. The Board of Protective and Regulatory Services shall adopt rules to prevent the harassment of an employee or volunteer through the request and use of criminal records.

(6) ~~[(4)]~~ Criminal history record information obtained by the Department of Protective and Regulatory Services under this subsection may not be released to any person except:

(A) on court order;

(B) with the consent of the person who is the subject of the criminal history record information;

(C) for purposes of an administrative hearing held by the Department of Protective and Regulatory Services concerning the person who is the subject of the criminal history record information; or

(D) as provided by Subdivision (7) ~~[(5)]~~.

(7) ~~[(5)]~~ The Department of Protective and Regulatory Services is not prohibited from releasing criminal history record information obtained under this subsection to:

(A) the person who is the subject of the criminal history record information;

(B) a child-care facility that employs or is considering employing the person who is the subject of the criminal history record information;

(C) a person or business entity described by Subsection (a)(2)(E) ~~[(a)(2)(G)]~~ who uses or intends to use the services of the volunteer or employs or is considering employing the person who is the subject of the criminal history record information; or

(D) an adult residing with a child and the person who is the subject of the criminal history record information, if the Department of Protective and Regulatory Services determines that the release of information to the adult is necessary to ensure the safety or welfare of the child or adult.

(b) The failure or refusal to provide a complete set of fingerprints or a complete name on request constitutes good cause for dismissal or refusal to hire, as applicable, with regard to a volunteer of or an employee or applicant for permanent or temporary employment with the department, or a facility, home, business, or other entity, if the volunteer position, employment, or potential employment involves direct interaction with or the opportunity to interact and associate with children.

(c) The Department of Protective and Regulatory Services may charge an organization or person that requests criminal history record information under Subsection (a)(3) ~~[(a)(2)]~~ a fee in an amount necessary to cover the costs of obtaining the information on the organization's or person's behalf.

SECTION 4. Section 40.052, Human Resources Code, is amended to read as follows:

Sec. 40.052. DUTIES RELATING TO DELIVERY OF SERVICES. The department shall:

(1) propose and implement service delivery standards for departmental programs;

(2) provide training and technical assistance to regional and local service providers;

(3) provide joint training on the investigation of reports of child abuse or neglect to department personnel and law enforcement personnel in appropriate state and local law enforcement agencies;

(4) develop and implement systems for monitoring departmental program performance and service delivery;

(5) ~~[(4)]~~ promote innovative service delivery at the local level; and

(6) ~~[(5)]~~ cooperate and coordinate as appropriate with other governmental entities in the delivery of services.

SECTION 5. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Sections 40.0521 and 40.0522 to read as follows:

Sec. 40.0521. COMMUNITY EDUCATION AND TRAINING RELATING TO CHILD ABUSE OR NEGLECT. (a) The department shall conduct community education programs designed to improve participation of the general public in preventing, identifying, and treating cases of child abuse or neglect.

(b) The department shall make training concerning child abuse or neglect available to professionals who are required by law to report, investigate, or litigate those cases.

Sec. 40.0522. MULTIDISCIPLINARY TEAMS. (a) To the extent possible, the department shall establish multidisciplinary teams to provide services relating to a report of child abuse or neglect. A multidisciplinary team shall include professionals in each professional discipline necessary to provide comprehensive medical and psychological services to a child who is the subject of a report and to members of the child's household.

(b) Members of a multidisciplinary team may exchange information relating to a report of child abuse or neglect as necessary to facilitate a thorough investigation of the report. The department may adopt rules governing the exchange of information between team members.

(c) A multidisciplinary team established under this section shall coordinate services provided by the department to a child and to members of the child's household with services available from other sources, including public and private agencies in the community. The goal of the multidisciplinary team is to provide the greatest range of services possible without duplication of effort.

(d) The department shall establish a process by which members of a multidisciplinary team are involved in the department's development and implementation of procedures relating to coordination of the department's child abuse or neglect services with services provided by other public and private agencies.

SECTION 6. Section 40.061(a), Human Resources Code, is amended to read as follows:

(a) A department employee, a member of a multidisciplinary team established under Section 40.0522, or an authorized department volunteer who performs a departmental duty or responsibility is immune from civil or criminal liability for any act or omission that relates to the duty or responsibility if the person acted in good faith and within the scope of the person's authority.

SECTION 7. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.066 to read as follows:

Sec. 40.066. REQUIRED AFFIDAVIT FOR APPLICANTS FOR EMPLOYMENT. (a) An applicant for temporary or permanent employment with the department whose employment or potential employment with the department involves direct interactions with or the opportunity to interact and associate with children must execute and submit the following affidavit with the application for employment:

STATE OF _____

COUNTY OF _____

I swear or affirm under penalty of perjury that I do not now and I have not at any time, either as an adult or as a juvenile:

1. Been convicted of;
2. Pleaded guilty to (whether or not resulting in a conviction);
3. Pleaded nolo contendere or no contest to;
4. Admitted;
5. Had any judgment or order rendered against me (whether by default or otherwise);
6. Entered into any settlement of an action or claim of;
7. Had any license, certification, employment, or volunteer position suspended, revoked, terminated, or adversely affected because of;
8. Been diagnosed as having or have been treated for any mental or emotional condition arising from; or,
9. Resigned under threat of termination of employment or volunteerism for;
10. Had a report of child abuse or neglect made and substantiated against me for;

11. Have any pending criminal charges against me in this or any other jurisdiction for;

Any conduct, matter, or thing (irrespective of formal name thereof) constituting or involving (whether under criminal or civil law of any jurisdiction):

1. Any felony;
2. Rape or other sexual assault;
3. Physical, sexual, emotional abuse and/or neglect of a minor;
4. Incest;
5. Exploitation, including sexual, of a minor;
6. Sexual misconduct with a minor;
7. Molestation of a child;
8. Lewdness or indecent exposure;
9. Lewd and lascivious behavior;
10. Obscene or pornographic literature, photographs, or videos;
11. Assault, battery, or any violent offense involving a minor;
12. Endangerment of a child;
13. Any misdemeanor or other offense classification involving a minor or to which a minor was a witness;
14. Unfitness as a parent or custodian;
15. Removing children from a state or concealing children in violation of a court order;
16. Restrictions or limitations on contact or visitation with children or minors;
17. Any type of child abduction; or,
18. Similar or related conduct, matters, or things.

Except the following (list all incidents, location, description, and date) (if none, write NONE):

Signed _____ Date _____.

Subscribed and sworn to (or affirmed) before me this _____ day of _____.

Signature of notarial officer _____.
(seal, if any, of notarial officer)

My commission expires: _____

(b) The failure or refusal of the applicant to sign or provide the affidavit constitutes good cause for refusal to hire the applicant.

SECTION 8. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Sections 42.0425 and 42.0426 to read as follows:

Sec. 42.0425. TRAINING OF PERSONNEL. A licensed facility or registered family home shall provide training for staff members in:

(1) the recognition of symptoms of child abuse, neglect, and sexual molestation and the responsibility and procedure of reporting suspected occurrences of child abuse, neglect, and sexual molestation to the department or other appropriate entity;

(2) the application of first aid; and

(3) the prevention and spread of communicable diseases.

Sec. 42.0426. PARENTAL VISITATION. All areas of a licensed facility must be accessible to a parent of a child who is receiving care at the facility if the parent visits the child during the facility's hours of operation.

SECTION 9. Sections 42.044(a), (b), and (c), Human Resources Code, are amended to read as follows:

(a) An authorized representative of the division may visit a facility or registered family home during operating hours to investigate, inspect, and evaluate.

(b) The division shall inspect all licensed or certified facilities at least once a year and may inspect other facilities or registered family homes as necessary. At least one of the annual visits must be unannounced and all may be unannounced.

(c) The division must investigate a facility when a complaint is received. The department shall investigate a registered family home when the department receives a complaint of abuse or neglect, as defined by Section 261.001, Family Code, of a child at the home. The division representative must notify the facility's director or authorized representative when a complaint is being investigated and report in writing the results of the investigation to the director or the director's authorized representative.

SECTION 10. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0445 to read as follows:

Sec. 42.0445. REQUIRED BACKGROUND SEARCH. (a) Before the division issues or renews a license, registration, or certification under this subchapter, the division shall search the central registry of reported cases of child abuse or neglect established under Section 261.002, Family Code, to determine whether the applicant or the owner or an employee of the facility or family home is listed in the registry as a person who abused or neglected a child.

(b) The department may adopt rules to implement this section.

SECTION 11. Section 42.052, Human Resources Code, is amended by amending Subsection (f) and adding Subsection (h) to read as follows:

(f) A family home may not place a public advertisement that uses the title "registered family home" or any variation of the phrase unless the home is registered with the division under this chapter. Any public advertisement for a registered family home which uses the title "registered family home" must

contain a provision in bold type stating: "THIS HOME IS REGISTERED WITH THE DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES BUT IS NOT LICENSED OR REGULARLY INSPECTED."

(h) The department by rule may provide for denial of an application or renewal for registration of a family home or may revoke a family home's registration based on the results of a background or criminal history check.

SECTION 12. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Sections 42.057 and 42.058 to read as follows:

Sec. 42.057. REQUIRED BACKGROUND AND CRIMINAL HISTORY CHECKS. (a) In accordance with rules adopted by the department, the operator of a family home shall, when the operator applies for registration and at least once during each 24 months after registration, submit to the department for use in conducting background and criminal history checks:

(1) the name of the owner and each person employed at the family home; and

(2) the name of each resident of the home and any other person who will regularly or frequently be staying or working at the home while children are being provided care.

(b) The department shall conduct background and criminal history checks using:

(1) the information provided under Subsection (a);

(2) the information made available by the Department of Public Safety under Section 411.114, Government Code; and

(3) the department's records of reported abuse and neglect.

(c) The department by rule shall require a family home to pay to the department a fee in an amount not to exceed the administrative costs the department incurs in conducting a background and criminal history check under this section.

Sec. 42.058. REQUIRED AFFIDAVIT FOR APPLICANTS FOR EMPLOYMENT WITH FACILITY OR REGISTERED FAMILY HOME. (a) An applicant for temporary or permanent employment with a licensed facility or registered family home whose employment or potential employment with the facility or home involves direct interactions with or the opportunity to interact and associate with children must execute and submit the following affidavit with the application for employment:

STATE OF _____

COUNTY OF _____

I swear or affirm under penalty of perjury that I do not now and I have not at any time, either as an adult or as a juvenile:

1. Been convicted of;

2. Pleaded guilty to (whether or not resulting in a conviction);

3. Pleaded nolo contendere or no contest to;

4. Admitted;

5. Had any judgment or order rendered against me (whether by default or otherwise);

6. Entered into any settlement of an action or claim of;

7. Had any license, certification, employment, or volunteer position suspended, revoked, terminated, or adversely affected because of;

8. Been diagnosed as having or have been treated for any mental or emotional condition arising from; or,

9. Resigned under threat of termination of employment or volunteerism for;

10. Had a report of child abuse or neglect made and substantiated against me for;

11. Have any pending criminal charges against me in this or any other jurisdiction for;

Any conduct, matter, or thing (irrespective of formal name thereof) constituting or involving (whether under criminal or civil law of any jurisdiction):

1. Any felony;

2. Rape or other sexual assault;

3. Physical, sexual, emotional abuse and/or neglect of a minor;

4. Incest;

5. Exploitation, including sexual, of a minor;

6. Sexual misconduct with a minor;

7. Molestation of a child;

8. Lewdness or indecent exposure;

9. Lewd and lascivious behavior;

10. Obscene or pornographic literature, photographs, or videos;

11. Assault, battery, or any violent offense involving a minor;

12. Endangerment of a child;

13. Any misdemeanor or other offense classification involving a minor or to which a minor was a witness;

14. Unfitness as a parent or custodian;

15. Removing children from a state or concealing children in violation of a court order;

16. Restrictions or limitations on contact or visitation with children or minors;

17. Any type of child abduction; or,

18. Similar or related conduct, matters, or things.

Except the following (list all incidents, location, description, and date) (if none, write NONE)

Signed _____ Date _____.

Subscribed and sworn to (or affirmed) before me this _____ day of _____.

Signature of notarial officer _____.

(seal, if any, of notarial officer)

My commission expires: _____

(b) The failure or refusal of the applicant to sign or provide the affidavit constitutes good cause for refusal to hire the applicant.

SECTION 13. Section 42.072(a), Human Resources Code, is amended to read as follows:

(a) The division may deny or revoke the license or certification of approval of a facility that does not comply with the requirements of this chapter, the standards and rules of the department, or the specific terms of the license or certification. The department may deny or revoke the license or certification of a facility based on the results of a background or criminal history check.

SECTION 14. This Act takes effect immediately, except that Sections 3 and 7-13 of this Act take effect September 1, 1997.

SECTION 15. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

Amendment No. 2

Representative Greenberg offered the following amendment to Amendment No. 1:

Amend the Wise amendment to **HB 2250** as follows:

In SECTION 2 of the amendment, amended Section 261.301(a), Family Code, on page 1, line 15, add, "The Department of Protective and Regulatory Services shall inform any local or state law enforcement agency, including the office of the district attorney in the county in which the child resides, is located, or was located at the time of the reported incident, of all reports concerning the abuse or neglect of a child."

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Madden offered the following amendment to Amendment No. 1:

Amend the Wise amendment **HB 2250** as follows:

(1) On page 7, line 21, strike "conduct" and substitute "assure the availability of".

(2) On page 7, line 24, immediately after "neglect", insert ", including parent education programs".

(3) On page 7, lines 25-26, strike "make training concerning child abuse or neglect available" and substitute "assure that training concerning child abuse or neglect is available".

(4) On page 8, line 4, between "in" and "each", insert "parent education and in".

Amendment No. 3 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

HB 2250, as amended, was passed to engrossment.

CSHB 3258 ON SECOND READING (by Coleman and Naishtat)

CSHB 3258, A bill to be entitled An Act relating to the implementation of the Medicaid managed care program.

Amendment No. 1

Representative Coleman offered the following amendment to **CSHB 3258**:

Amend **CSHB 3258** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 531.021, Government Code, is amended to read as follows:

Sec. 531.021. ADMINISTRATION OF MEDICAID PROGRAM. (a) The commission is the state agency designated to administer federal medical assistance funds.

(b) The commission is responsible for the policy, administration, evaluation, and operation of the Medicaid managed care program.

(c) In discharging its duties relating to the Medicaid managed care program, the commission shall consult with and consider input from the advisory committee created under Section 531.047 and from each health and human services agency that operates part of the Medicaid program.

(d) The commissioner or a person designated by the commissioner shall supervise employees of health and human services agencies in the performance of Medicaid managed care duties. The commissioner or person designated by the commissioner may assign duties to employees and require health and human services agencies to assign duties to employees as necessary for the commission to discharge its duties relating to the Medicaid managed care program.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.047 to read as follows:

Sec. 531.047. MEDICAID MANAGED CARE INTERAGENCY ADVISORY COMMITTEE. (a) An interagency advisory committee is created to provide assistance and recommendations to the commission relating to the policy, administration, evaluation, and operation of the Medicaid managed care program. The advisory committee consists of:

(1) the commissioner or, if designated under Subsection (b), the person acting as the state Medicaid director;

(2) a representative of the Texas Department of Health, designated by the commissioner of public health;

(3) a representative of the Texas Department of Mental Health and Mental Retardation, designated by the commissioner of mental health and mental retardation;

(4) a representative of the Texas Department of Human Services, designated by the commissioner of human services; and

(5) if considered appropriate by the commissioner, a representative of any other state agency with duties relating to the Medicaid managed care program, designated by the chief administrative officer of that agency.

(b) The commissioner may designate the person acting as the state Medicaid director to serve on the advisory committee on behalf of the commissioner.

(c) A member of the advisory committee serves at the will of the designating agency.

(d) The commissioner or the person acting as the state Medicaid director, as applicable, serves as presiding officer of the advisory committee, and members of the committee may elect other necessary officers.

(e) The advisory committee shall meet at the call of the presiding officer. The presiding officer shall call a meeting of the committee at least once every two months.

(f) The designating agency is responsible for the expenses of a member's

service on the advisory committee. A member of the advisory committee receives no additional compensation for serving on the committee.

(g) The advisory committee is not subject to Article 6252-33, Revised Statutes.

SECTION 3. Subtitle I, Title 4, Government Code, is amended by adding Chapter 533 to read as follows:

CHAPTER 533. IMPLEMENTATION OF MEDICAID
MANAGED CARE PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 533.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission or an agency operating part of the state Medicaid managed care program, as appropriate.

(2) "Commissioner" means the commissioner of health and human services.

(3) "Health and human services agencies" has the meaning assigned by Section 531.001.

(4) "Managed care organization" means a person who is authorized or otherwise permitted by law to arrange for or provide a managed care plan.

(5) "Managed care plan" means a plan under which a person undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services. A part of the plan must consist of arranging for or providing health care services as distinguished from indemnification against the cost of those services on a prepaid basis through insurance or otherwise. The term includes a primary care case management provider network. The term does not include a plan that indemnifies a person for the cost of health care services through insurance.

(6) "Recipient" means a recipient of medical assistance under Chapter 32, Human Resources Code.

Sec. 533.002. PURPOSE. The commission shall implement the Medicaid managed care program as part of the health care delivery system developed under Chapter 532 by contracting with managed care organizations in a manner that, to the extent possible:

(1) improves the health of Texans by:

(A) emphasizing prevention;

(B) promoting continuity of care; and

(C) providing a medical home for recipients;

(2) ensures that each recipient receives high quality, comprehensive health care services in the recipient's local community;

(3) encourages the training of and access to primary care physicians and providers;

(4) maximizes cooperation with existing public health entities, including local departments of health;

(5) provides incentives to managed care organizations, other than managed care organizations created by political subdivisions with constitutional or statutory obligations to provide health care to indigent patients, to improve the quality of health care services for recipients by providing value-added services, including services listed in Section 533.008(2)(D); and

(6) reduces administrative and other nonfinancial barriers for recipients in obtaining health care services.

Sec. 533.003. CONSIDERATIONS IN AWARDING CONTRACTS. In awarding contracts to managed care organizations, the commission shall:

(1) give extra consideration to organizations that agree to assure continuity of care for at least three months beyond the period of Medicaid eligibility for recipients; and

(2) consider the need to use different managed care plans to meet the needs of different populations.

Sec. 533.004. MANDATORY CONTRACTS. (a) In implementing Medicaid managed care in a health care service region, the commission shall contract with at least one managed care organization in that region that:

(1) is created by a political subdivision with a constitutional or statutory obligation to provide health care to indigent patients;

(2) is licensed to provide health care in that region; and

(3) demonstrates its ability to meet the contractual obligations delineated in the commission's request for applications to enter into a contract with the commission to provide health care to recipients in that region.

(b) A contract with a managed care organization described in Subsection (a) must contain the same requirements and capitation rate as contracts with other managed care organizations to provide health care services to recipients in that region.

Sec. 533.005. REQUIRED CONTRACT PROVISIONS. A contract between a managed care organization and the commission for the organization to provide health care services to recipients must contain:

(1) procedures to ensure accountability to the state for the provision of health care services, including procedures for financial reporting, quality assurance, utilization review, and assurance of contract and subcontract compliance;

(2) capitation and provider payment rates that ensure the cost-effective provision of high quality health care;

(3) a requirement that the managed care organization provide ready access to a person who assists recipients in resolving issues relating to enrollment, plan administration, education and training, access to services, and grievance procedures;

(4) a requirement that the managed care organization provide ready access to a person who assists providers in resolving issues relating to payment, plan administration, education and training, and grievance procedures;

(5) a requirement that the managed care organization provide information and referral about the availability of educational, social, and other community services that could benefit a recipient;

(6) procedures for recipient outreach and education; and

(7) a requirement that the managed care organization make payment to a physician or provider for health care services rendered to a recipient under a managed care plan not later than the 45th day after the date a claim for payment is received with documentation reasonably necessary for the managed care organization to process the claim, or within a period, not to exceed 60 days, specified by a written agreement between the physician or provider and the managed care organization.

Sec. 533.006. PROVIDER NETWORKS. (a) The commission shall require that each managed care organization that contracts with the commission to provide health care services to recipients in a region:

(1) seek participation in the organization's provider network from:

(A) each health care provider in the region who has traditionally provided care to Medicaid and charity care recipients; and

(B) each hospital in the region that has been designated as a disproportionate share hospital under the state Medicaid program; and

(2) include in its provider network for not less than three years:

(A) each health care provider in the region who:

(i) previously provided care to Medicaid and charity care recipients at a significant level as prescribed by the commission;

(ii) agrees to accept the prevailing provider contract rate of the managed care organization; and

(iii) has the credentials required by the managed care organization, provided that lack of board certification or accreditation by the Joint Commission on Accreditation of Healthcare Organizations may not be the sole ground for exclusion from the provider network; and

(B) each accredited primary care residency program in the region.

(b) A contract between a managed care organization and the commission for the organization to provide health care services to recipients in a health care service region that includes a rural area must require that the organization include in its provider network rural hospitals, physicians, home and community support services agencies, and other rural health care providers who:

(1) are sole community providers;

(2) provide care to Medicaid and charity care recipients at a significant level as prescribed by the commission;

(3) agree to accept the prevailing provider contract rate of the managed care organization; and

(4) have the credentials required by the managed care organization, provided that lack of board certification or accreditation by the Joint Commission on Accreditation of Healthcare Organizations may not be the sole ground for exclusion from the provider network.

Sec. 533.007. CONTRACT COMPLIANCE. (a) The commission shall review each managed care organization that contracts with the commission to provide health care services to recipients through a managed care plan issued by the organization to determine whether the organization is prepared to meet its contractual obligations.

(b) Each managed care organization that contracts with the commission to provide health care services to recipients in a health care service region shall submit an implementation plan not later than the 90th day before the date on which the commission plans to begin to provide health care services to recipients in that region through managed care. The implementation plan must include:

(1) specific staffing patterns by function for all operations, including enrollment, information systems, member services, quality improvement, claims management, case management, and provider and recipient training; and

(2) specific time frames for demonstrating preparedness for implementation before the date on which the commission plans to begin to provide health care services to recipients in that region through managed care.

(c) The commission shall respond to an implementation plan not later than the fifth day after the date a managed care organization submits the plan if the plan does not adequately meet preparedness guidelines.

(d) Each managed care organization that contracts with the commission to provide health care services to recipients in a region shall submit status reports on the implementation plan not later than the 60th day and the 30th day before the date on which the commission plans to begin to provide health care services to recipients in that region through managed care and every 30th day after that date until the 180th day after that date.

(e) The commission shall conduct a compliance and readiness review of each managed care organization that contracts with the commission not later than the 15th day before the date on which the commission plans to begin the enrollment process in a region and again not later than the 15th day before the date on which the commission plans to begin to provide health care services to recipients in that region through managed care. The review must include an on-site inspection and tests of service authorization and claims payment systems, complaint processing systems, and any other process or system required by the contract.

(f) The commission may delay enrollment of recipients in a managed care plan issued by a managed care organization if the review reveals that the managed care organization is not prepared to meet its contractual obligations. The commission shall notify a managed care organization of a decision to delay enrollment in a plan issued by that organization.

Sec. 533.008. RECIPIENT ENROLLMENT. The commission shall:

(1) encourage recipients to choose appropriate managed care plans and primary health care providers by:

(A) providing initial information to recipients and providers in a region about the need for recipients to choose plans and providers not later than the 90th day before the date on which the commission plans to begin to provide health care services to recipients in that region through managed care;

(B) providing follow-up information before assignment of plans and providers and after assignment, if necessary, to recipients who delay in choosing plans and providers; and

(C) allowing plans and providers to provide information to recipients or engage in marketing activities under marketing guidelines established by the commission under Section 533.009 after the commission approves the information or activities;

(2) consider the following factors, in the order listed, in assigning managed care plans and primary health care providers to recipients who fail to choose plans and providers:

(A) the importance of maintaining existing physician-patient relationships, including relationships with specialists, public health clinics, and community health centers;

(B) to the extent possible, the need to assign family members to the same providers and plans;

(C) geographic convenience of plans and providers for recipients;

(D) to the extent possible, the types of value-added services offered by plans that meet the needs of recipients and their families, including:

(i) continuity of care for at least three months beyond the period of Medicaid eligibility for recipients;

(ii) coordination of services with other providers who have traditionally provided health care services to Medicaid recipients, including public health clinics and community health centers;

(iii) essential public health services; and

(iv) transportation; and

(E) to the extent possible, the quality of services offered by plans or providers determined through outcome measures of overall recipient health; and

(3) retain responsibility for enrollment and disenrollment of recipients in managed care plans, except that the commission may delegate the responsibility to an independent contractor who receives no form of payment from, and has no financial ties to, any managed care organization.

Sec. 533.009. MARKETING GUIDELINES. The commission shall establish marketing guidelines for managed care organizations that contract with the commission to provide health care services to recipients, including guidelines that prohibit:

(1) door-to-door marketing to recipients by managed care organizations or agents of those organizations;

(2) the use of marketing materials with inaccurate or misleading information;

(3) misrepresentations to recipients or providers;

(4) offering recipients material or financial incentives to choose a managed care plan other than nominal gifts or free health screenings approved by the commission that the managed care organization offers to all recipients regardless of whether the recipients enroll in the managed care plan;

(5) marketing at public assistance offices; and

(6) the use of marketing agents who are paid solely by the commission.

Sec. 533.010. SPECIAL DISEASE MANAGEMENT. (a) The commission shall, to the extent possible, ensure that managed care organizations under contract with the commission to provide health care services to recipients develop special disease management programs to address chronic health conditions, including asthma and diabetes.

(b) The commission may study, in conjunction with an academic center, the benefits and costs of applying disease management principles in the delivery of Medicaid managed care.

Sec. 533.011. SPECIAL PROTOCOLS. In conjunction with an academic center, the commission may study the treatment of indigent populations to develop special protocols for managed care organizations to use in providing health care services to recipients.

[Sections 533.012-533.020 reserved for expansion]

SUBCHAPTER B. REGIONAL ADVISORY COMMITTEES

Sec. 533.021. APPOINTMENT. Not later than the 180th day before the date the commission plans to begin to provide health care services to recipients in a health care service region through managed care, the commission, in consultation with health and human services agencies, shall appoint a Medicaid managed care advisory committee for that region.

Sec. 533.022. COMPOSITION. A committee consists of representatives from entities and communities in the region as considered necessary by the commission to ensure representation of interested persons, including representatives of:

- (1) hospitals;
- (2) managed care organizations;
- (3) primary care providers;
- (4) state agencies;
- (5) consumer advocates;
- (6) recipients; and
- (7) rural providers.

Sec. 533.023. PRESIDING OFFICER; SUBCOMMITTEES. The commissioner or the commissioner's designated representative serves as the presiding officer of a committee. The presiding officer may appoint subcommittees as necessary.

Sec. 533.024. MEETINGS. (a) A committee shall meet at least quarterly for the first year after appointment of the committee and at least annually after that time.

(b) A committee is subject to Chapter 551, Government Code.

Sec. 533.025. POWERS AND DUTIES. A committee shall:

- (1) comment on the implementation of Medicaid managed care in the region;
- (2) provide recommendations to the commission on the improvement of Medicaid managed care in the region not later than the 30th day after the date of each committee meeting; and
- (3) seek input from the public, including public comment at each committee meeting.

Sec. 533.026. INFORMATION FROM COMMISSION. On request, the commission shall provide to a committee information relating to recipient enrollment and disenrollment, recipient and provider complaints, administrative procedures, program expenditures, and education and training procedures.

Sec. 533.027. COMPENSATION; REIMBURSEMENT. (a) A member of a committee other than a representative of a health and human services agency is not entitled to receive compensation or reimbursement for travel expenses.

(b) A member of a committee who is an agency representative is entitled to reimbursement for expenses incurred in the performance of committee duties by the appointing agency in accordance with the travel provisions for state employees in the General Appropriations Act.

Sec. 533.028. OTHER LAW. Except as provided by this chapter, a committee is subject to Article 6252-33, Revised Statutes.

SECTION 4. Not later than September 1, 1997, the Health and Human

Services Commission shall direct the Texas Department of Health and the Texas Department of Human Services to submit to the governor and the Legislative Budget Board a plan to realize cost savings for the state by simplifying eligibility criteria and streamlining eligibility determination processes for recipients of financial assistance under Chapter 31, Human Resources Code, recipients of medical assistance under Chapter 32, Human Resources Code, and recipients of other public assistance.

SECTION 5. Not later than December 1, 1998, the Health and Human Services Commission shall submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives on the impact of Medicaid managed care on the public health sector.

SECTION 6. Not later than the first anniversary of the date on which Medicaid recipients in a health care service region begin to receive health care services through Medicaid managed care, the Health and Human Services Commission, in cooperation with the Medicaid managed care advisory committee for that region created under Subchapter B, Chapter 533, Government Code, as added by this Act, shall submit a report to the governor, lieutenant governor, and speaker of the house of representatives on the implementation of Medicaid managed care in that region. If Medicaid recipients in a region began to receive health care services through managed care before September 1, 1996, the commission is required to submit a report on the implementation of Medicaid managed care in that region as soon as possible after the effective date of this Act. The commission may consolidate a report with any other report relating to the same subject that the commission is required to submit under other law.

SECTION 7. (a) Section 533.007, Government Code, as added by this Act, applies only to a contract with a managed care organization that the commission enters into or renews on or after the effective date of this Act. A contract with a managed care organization that the commission enters into or renews before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

(b) Section 533.004, Government Code, as added by this Act, does not affect the expansion of medical assistance for children described in H.C.R. No. 189, 75th Legislature, Regular Session, 1997.

(c) If Medicaid recipients in a health care service region began to receive health care services through managed care before the effective date of this Act, the commission shall appoint a Medicaid managed care advisory committee for that region in accordance with Subchapter B, Chapter 533, Government Code, as added by this Act, as soon as possible after the effective date of this Act.

(d) For purposes of this section, "commission" means the Health and Human Services Commission or an agency operating part of the state Medicaid managed care program, as appropriate.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 2

Representative Coleman offered the following amendment to Amendment No. 1:

Amend the Coleman amendment to **CSHB 3258** as follows:

(1) On page 5, line 3, strike ", including services listed in Section 533.008(2)(D)".

(2) On page 5, strike lines 18-20 and substitute the following:

(1) is created by:

(A) a political subdivision with a constitutional or statutory obligation to provide health care to indigent patients; or

(B) a nonprofit corporation that has a contract, agreement, or other arrangement with a political subdivision described by Paragraph (A) under which the nonprofit corporation assumes that political subdivision's obligation to provide health care to indigent patients and leases, manages, or operates a hospital facility owned by that political subdivision;

(3) On page 6, between lines 3 and 4, insert the following:

(c) If a political subdivision described in Subsection (a)(1)(A) has entered into an agreement with the state to provide funds for the expansion of Medicaid for children as authorized by Chapter 444, Acts of the 74th Legislature, Regular Session, 1995, the commission may not contract with a managed care organization described by Subsection (a)(1) unless the political subdivision fulfills its obligation under the agreement to provide those funds. The commission shall make the provision of those funds under the agreement a condition of the continuation of the contract with the managed care organization for the organization to provide health care services to recipients.

(d) Subsection (c) does not apply if:

(1) the commission does not expand Medicaid for children as authorized by Chapter 444, Acts of the 74th Legislature, Regular Session, 1995; or

(2) a waiver from a federal agency necessary for the expansion is not granted.

(4) On page 8, line 7, strike "and".

(5) On page 8, strike lines 8-9 and substitute the following:

(B) each accredited primary care residency program in the region; and

(C) each disproportionate share hospital designated by the commission as a statewide significant traditional provider.

(6) On page 10, strike lines 19-27.

(7) On page 11, strike lines 1-27.

(8) On page 12, strike lines 1-11.

(9) On page 12, line 12, strike "Sec. 533.009." and substitute "Sec. 533.008.".

(10) On page 13, line 1, strike "the".

(11) On page 13, line 2, strike "Sec. 533.010." and substitute "Sec. 533.009.".

(12) On page 13, line 11, strike "Sec. 533.011." and substitute "Sec. 533.010.".

(13) On page 13, line 16, strike "533.012-533.020" and substitute "533.011-533.020".

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

CSHB 3258, as amended, was passed to engrossment.

HB 2213 ON SECOND READING
(by Delisi)

HB 2213, A bill to be entitled An Act relating to municipal and county policies regarding enforcement of certain drug laws.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Oakley, Representative Delisi offered the following committee amendment to **HB 2213**:

Amend **HB 2213** on page 1, line 13, at the end of Section 370.003, add ", and federal law".

Amendment No. 1 was adopted without objection.

HB 2213, as amended, was passed to engrossment.

CSHB 137 ON SECOND READING
(by West)

CSHB 137, A bill to be entitled An Act relating to the qualifications of certain charitable organizations for an exemption from ad valorem taxation.

Amendment No. 1

Representative Hunter offered the following amendment to **CSHB 137**:

Amend **CSHB 137** as follows:

(1) On page 1, strike lines 5 and 6, and substitute:

SECTION 1. Section 11.18, Tax Code, is amended by amending Subsections (d) and (e) and adding Subsection (k) to read as follows:

(2) On page 5, line 4, strike "or".

(3) On page 5, line 12, immediately before the period, insert:

"; or

(19) providing housing and related services to elderly individuals by:

(A) a nursing home, if the nursing home provides charity care and government-sponsored indigent health care to its residents in an amount equal to at least four percent of the nursing home's net resident revenue; or

(B) a retirement community, if the retirement community provides assisted living services and nursing services to its residents on a single campus;

(i) without regard to the residents' ability to pay; or

(ii) in an amount equal to at least four percent of the retirement community's combined net resident revenue".

(4) On page 7 of the bill, between lines 22 and 23, insert:

(k) In connection with a nursing home or retirement community, for purposes of Subsection (d):

(1) "Assisted living services" means responsible adult supervision of or assistance with routine living functions of an individual in instances in which the individual's condition necessitates that supervision or assistance.

(2) "Charity care," "government-sponsored indigent health care," and "net resident revenue" are determined in the same manner for a retirement community or nursing home as for a hospital under Subsection (d).

(3) "Nursing care services" includes services provided by nursing personnel, including patient observation, the promotion and maintenance of health, prevention of illness or disability, guidance and counseling to individuals and families, and referral of patients to physicians, other health care providers, or community resources if appropriate.

(4) "Retirement community" means a collection of various types of housing that are under common ownership and designed for habitation by individuals over the age of 62.

(5) "Single campus" means a facility designed to provide multiple levels of retirement housing that is geographically situated on a site at which all levels of housing are contiguous to each other on a single property.

Amendment No. 1 was adopted without objection.

CSHB 137, as amended, was passed to engrossment.

CSHB 297 ON SECOND READING
(by Driver, et al.)

CSHB 297, A bill to be entitled An Act relating to certain signs controlling use of traffic lanes.

CSHB 297 was passed to engrossment.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

CSHB 2055 ON SECOND READING
(by Maxey)

LAI ON THE TABLE SUBJECT TO CALL

CSHB 2055, A bill to be entitled An Act relating to prepaid higher education tuition scholarships for needy students.

CSHB 2055 was read second time on May 6, postponed until May 9, postponed until 8 p.m. today, postponed until 10 p.m. today, postponed until the end of the third reading bills, and was again postponed until this time.

Representative Maxey moved to lay **CSHB 2055** on the table subject to call.

The motion prevailed without objection.

GENERAL STATE CALENDAR
(consideration continued)

CSHB 978 ON SECOND READING
(by Hupp)

CSHB 978, A bill to be entitled An Act relating to the eligibility of certain higher education employees to participate in group programs under the Texas Employees Uniform Group Insurance Benefits Act.

Amendment No. 1

Representative Hupp offered the following amendment to **CSHB 978**:

Amend **CSHB 978** by striking page 2, lines 10-16, and substituting the following:

SECTION 3. (a) This Act takes effect September 1, 1997.

(b) This Act applies only to participation of an employee of a public/junior community college in group programs under Texas Employees Uniform Group Insurance Benefits Act (Article 3.50-2, Vernon's Texas Insurance Code) who is newly hired by the college on or after September 1, 1997.

(c) The participation of an employee described by Section 13C, Texas Employees Uniform Group Insurance Benefits Act (Article 3.50-2, Vernon's Texas Insurance Code), as added by this Act, and who is an employee of the college on August 31, 1997, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

CSHB 978, as amended, was passed to engrossment.

CSHB 306 ON SECOND READING
(by Elkins)

CSHB 306, A bill to be entitled An Act relating to the law that applies to activities conducted over the Internet.

CSHB 306 was passed to engrossment.

CSHB 489 ON SECOND READING
(by Allen, Woolley, Culberson, and McClendon)

CSHB 489, A bill to be entitled An Act relating to the applicability of a sexual offender registration program to certain defendants and to the procedures used to register and monitor sex offenders.

CSHB 489 was passed to engrossment.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Local and Consent Calendars, 9:30 a.m. Friday, May 16, 2W.25.

Public Education, on recess, Desk 102.

RECESS

Representative Williamson moved that the house recess until 10 a.m. today.

The motion prevailed without objection.

The house accordingly, at 12:01 a.m., recessed until 10 a.m. today.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were

today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

SB 679 to Urban Affairs.

SB 1560 to Environmental Regulation.

SB 1840 to Judicial Affairs.

SCR 91 to Rules & Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 56

HB 463, HB 870, HB 963, HB 1300, HB 1387, HB 1482, HB 1487, HB 1630, HB 1747, HB 2074, HB 2123, HB 2126, HB 2201, HB 2348, HB 3354, HCR 250

Senate List No. 26

SB 67, SB 170, SB 201, SB 264, SB 303, SB 323, SB 394, SB 396, SB 403, SB 417, SB 459, SB 478, SB 514, SB 569, SB 570, SB 580, SB 591, SB 600, SB 623, SB 625, SB 698, SB 706, SB 771, SB 786, SB 843, SB 928, SB 939, SB 973, SB 991, SB 1007, SB 1014, SB 1016, SB 1033, SB 1108, SB 1127, SB 1150, SB 1179, SB 1202, SB 1211, SB 1388, SB 1663, SB 1922

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 15, 1997

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 909 Dutton SPONSOR: Sibley
Relating to amending certain provisions of the Insurance Code, concerning authorized investments of insurers, specifically, Articles 2.10, 3.33, 3.39-1, 3.39-2, 9.18, and 21.39-B.
(COMMITTEE SUBSTITUTE)

HB 1306 Reyna, Elvira SPONSOR: Nelson
Relating to the payment of certain motor vehicle registration fees for a period longer than 12 months.

HB 1422 Hightower SPONSOR: Whitmire
Relating to prohibiting employment discrimination against certain employees of the Texas Department of Criminal Justice for refusing to take a polygraph examination.

HB 2119 Bosse SPONSOR: Madla
Relating to the continuation and functions of the Texas Commission on Alcohol and Drug Abuse; providing penalties.
(AMENDED)

HB 3190 Stiles SPONSOR: Harris
Relating to the holding of certain court proceedings outside the municipality designated as the county seat.

HB 3281 Goodman SPONSOR: Harris
Relating to local court processing for child support cases and to enforcement of child support orders; providing penalties.

HCR 16 West, George "Buddy" SPONSOR: Duncan
In memory of Robert P. Sturges.

HCR 40 Gallego SPONSOR: Madla
Congratulating the Iraan High School Braves on winning the 1996 Class 2A State Football Championship.

HCR 66 Turner, Bob SPONSOR: Madla
Honoring the Edwards County EMS.

HCR 73 Gallego SPONSOR: Madla
In memory of Maria Lucille Gonzales Calderon.

HCR 74 Gallego SPONSOR: Madla
In memory of Felicitas "Ollie" Fernandez.

HCR 84 Counts SPONSOR: Duncan
Honoring Rick Crawford for his service to the State Preservation Board.

HCR 195 West, George "Buddy" SPONSOR: Duncan
In memory of Frederick W. "Rick" Volker, Jr.

HCR 197 Craddick SPONSOR: Bivins
Commemorating the 50th anniversary of the United Way of Midland.

HCR 200 Gallego SPONSOR: Madla
Honoring Dr. Frank Bash for his role in the creation of the Hobby-Eberly Telescope.

HCR 201 Gallego SPONSOR: Madla
Commemorating the 25th anniversary of Guadalupe Mountains National Park.

SB 105 Nelson
Relating to the dedication of revenue derived from the state lottery for certain educational purposes.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2**MESSAGE FROM THE SENATE
SENATE CHAMBER**

Austin, Texas

Thursday, May 15, 1997 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 984 Hochberg SPONSOR: Sibley
Relating to a digital signature.
(AMENDED)

HB 1279 Oliveira SPONSOR: Lucio, Jr.
Relating to the delegation of responsibility by a municipality for the approval of certain plats.
(AMENDED)

HB 1280 Oliveira SPONSOR: Lucio, Jr.
Relating to the delegation of municipal authority to determine compliance with certain plat requirements.
(COMMITTEE SUBSTITUTE)

HB 1761 Chavez SPONSOR: Shapleigh
Relating to a prohibition on certain requirements imposed by temporary employment services.
(AMENDED)

HCR 253 Olivo SPONSOR: Armbrister
Commemorating the 50th anniversary of the Fort Bend County Library System.

HCR 263 Wilson SPONSOR: Barrientos
Honoring ZZ Top and declaring May 15, 1997, ZZ Top Day in Texas.

Respectfully,

Betty King
Secretary of the Senate

Message No. 3**MESSAGE FROM THE SENATE
SENATE CHAMBER**

Austin, Texas

Thursday, May 15, 1997 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

LOCAL AND UNCONTESTED CALENDAR

HB 39 McCall SPONSOR: Zaffirini

Relating to a prohibition of discrimination in the determination of eligibility for employment, occupational licenses, and coverage under certain health benefit plans based on the use of certain genetic tests and to limitations on the use of information derived from those tests.

(COMMITTEE SUBSTITUTE)

HB 138 Woolley SPONSOR: Bivins

Relating to authorization of the creation of Texas growth fund II.

HB 336 Telford SPONSOR: Bivins

Relating to the administration of retirement systems for paid or partly paid firefighters.

HB 337 Telford SPONSOR: Bivins

Relating to participation in and benefits from a statewide retirement system for volunteer firefighters and other emergency services personnel.

(COMMITTEE SUBSTITUTE)

HB 423 Farrar SPONSOR: Cain

Relating to repair of motor vehicles covered under insurance policies.

HB 460 Maxey SPONSOR: Moncrief

Relating to federal waivers or authorizations relating to certain federally funded long-term care Medicaid programs.

HB 475 Craddick SPONSOR: Bivins

Relating to the effect of certain types of divorce decrees on retirement benefits payable by the Teacher Retirement System of Texas.

HB 480 Craddick SPONSOR: Bivins

Relating to the responsibilities of the district attorney for the 142nd Judicial District.

HB 598 Shields SPONSOR: Wentworth

Relating to reimbursement of certain administrative costs incurred by an employer in implementing a garnishment order.

HB 663 Maxey SPONSOR: Moncrief

Relating to the assessment of needs of individuals served by long-term care services programs offered by health and human services agencies.

HB 726 Hunter SPONSOR: Carona

Relating to the authority of the Texas Historical Commission to accept donations and services from a volunteer or volunteer group.

HB 1177 Hochberg SPONSOR: Ellis

Relating to certain categories of leave for state employees.

HB 1193 Rhodes SPONSOR: Armbrister
Relating to free trial transcripts for appeals in which an affidavit of inability to pay costs has been filed.

HB 1217 Gutierrez SPONSOR: Lucio, Jr.
Relating to certain contracts for fire hydrant service.
(COMMITTEE SUBSTITUTE)

HB 1316 Naishtat SPONSOR: Wentworth
Relating to the investment of assets by the guardian of an estate.

HB 1407 Glaze SPONSOR: Cain
Relating to emergency medical services and trauma care.

HB 1632 Flores SPONSOR: Patterson
Relating to the change of the name of the Texas Catastrophe Property Insurance Association to the Texas Windstorm Insurance Association.

HB 1719 Coleman SPONSOR: Galloway
Relating to the regulation of psychologists and the powers and duties of the Texas State Board of Examiners of Psychologists.

HB 1870 Marchant SPONSOR: Sibley
Relating to the regulation of trust companies; providing administrative and criminal penalties.
(COMMITTEE SUBSTITUTE)

HB 1875 Glaze SPONSOR: Cain
Relating to the imposition and use of certain fees imposed on certain milk and milk products.

HB 1965 Kuempel SPONSOR: Wentworth
Relating to the creation of the constitutional office of criminal district attorney of Comal County, to the abolition of the office of the county attorney in Comal County, and to the abolition of the office of the district attorney for the 22nd Judicial District.

HB 1976 Smithee SPONSOR: Sibley
Relating to financial solvency requirements for certain property and casualty insurers.

HB 1977 Smithee SPONSOR: Sibley
Relating to risk limitations for certain insurance companies.

HB 2080 Delisi SPONSOR: Madla
Relating to notification and consent to disclosure of a failure to complete a peer assistance program.

HB 2499 Patterson, L.P. "Pete" SPONSOR: Haywood
Relating to the family farm and ranch finance program.

HB 2509 Hilderbran SPONSOR: Zaffirini
Relating to a pilot program for the treatment of Alzheimer's patients.

HB 2699 Gray SPONSOR: Brown
Relating to the continuation and functions of the Council on Sex Offender Treatment and to the administration of certain of those functions by the Texas Department of Health.

HB 2734 Uher SPONSOR: Armbrister
Relating to the creation of a statutory county court in Matagorda County.

HB 2851 Williams SPONSOR: Lindsay
Relating to the powers and duties of water supply corporations.

HB 3212 Raymond SPONSOR: Zaffirini
Relating to the transfer of certain state property from the Texas Department of Criminal Justice to Duval County.

HB 3504 Kamel SPONSOR: Cain
Relating to the jurisdiction of the county courts at law in Smith County.

HB 3507 Merritt SPONSOR: Ratliff
Relating to granting the Gregg County Court at Law jurisdiction in family law matters.

HB 3558 Cook SPONSOR: Armbrister
Relating to the duties of the district attorney and the county attorney in Wharton County.

HCR 64 Delisi SPONSOR: Zaffirini
Directing the state's medical schools to make certain changes in their curriculum.

HCR 79 Van de Putte SPONSOR: Madla
Expressing support for the Community Transportation Brokerage Pilot Programs.

SB 1611 Whitmire
Relating to the creation of the victim services division of the Texas Department of Criminal Justice and the assignment of certain powers and duties to that division.

SB 1766 Moncrief
Relating to the creation, administration, powers, duties, operations, and financing of the Westworth Village-White Settlement Redevelopment Authority; granting the power of eminent domain.

SCR 81 Gallegos
Naming the state building at 5425 Polk Avenue in Houston the Elias Ramirez Building.

Respectfully,

Betty King
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 15, 1997 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 1757 Fraser

Relating to the regulation of drinking water at certain youth camps.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 94 (viva-voce vote)

SB 199 (viva-voce vote)

SB 231 (viva-voce vote)

SB 657 (viva-voce vote)

SB 781 (viva-voce vote)

SB 881 (viva-voce vote)

SB 1227 (viva-voce vote)

SB 1277 (viva-voce vote)

SB 1600 (viva-voce vote)

SB 1601 (viva-voce vote)

SB 1621 (31 YEAS, 0 NAYS)

SB 1639 (viva-voce vote)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1235

Senate Conferees: Ratliff - Chair/Brown/Sibley/Truan/Zaffirini/

Respectfully,

Betty King

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 14

Civil Practices - **SB 453, SB 455, SB 1479**

County Affairs - **SB 18, SB 141, SB 205, SB 489, SB 1930**

Criminal Jurisprudence - SB 48, SB 68, SB 119, SB 224, SB 467, SB 531, SB 550, SB 612

Economic Development - SB 747

Energy Resources - SB 665, SB 1811

Environmental Regulation - SB 1495, SB 1588

Financial Institutions - SB 1781

Insurance - SB 976

Land & Resource Management - SB 1050, SB 1925

Licensing & Administrative Procedures - HB 3435

Natural Resources - SB 1, SB 1340, SB 1878, SB 1899, SJR 17

Public Health - SB 414, SB 617, SB 1234

State Affairs - SB 645

Transportation - SB 1630

Urban Affairs - SB 336, SB 1286

Ways & Means - SB 861, SB 862, SB 1596

ENGROSSED

May 14 - HB 21, HB 102, HB 119, HB 159, HB 298, HB 583, HB 1188, HB 1202, HB 1327, HB 1453, HB 1467, HB 1477, HB 1659, HB 1759, HB 2128, HB 2324, HB 2474, HB 2481, HB 2571, HB 2633, HB 2705, HB 2909, HB 2913, HB 3054, HB 3059, HB 3075, HB 3216, HB 3512, HB 3575, HB 3576, HJR 18, HJR 104

ENROLLED

May 14 - HB 463, HB 722, HB 870, HB 963, HB 1180, HB 1300, HB 1387, HB 1482, HB 1487, HB 1630, HB 1638, HB 1747, HB 2074, HB 2123, HB 2126, HB 2201, HB 2348, HB 3354, HCR 250

SENT TO THE GOVERNOR

May 14 - HB 255, HB 358, HB 404, HB 515, HB 717, HB 722, HB 729, HB 749, HB 880, HB 975, HB 1077, HB 1126, HB 1137, HB 1154, HB 1155, HB 1178, HB 1180, HB 1242, HB 1298, HB 1367, HB 1531, HB 1638, HB 1651, HB 1724, HB 1795, HB 1798, HB 1878, HB 1879, HB 1916, HB 2073, HB 2075, HB 2116, HB 2138, HB 2259, HB 2286, HB 2492, HB 2769, HB 2812, HB 2847, HB 2945, HB 3231, HCR 208

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